



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

HF2315	2
HF2316	5
HF2317	8
HF2318	10
HF2319	12
HF2320	27
HF2321	31
HF2322	59
HF2323	65
HF2324	69
HF2325	79



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2315 - Introduced

HOUSE FILE 2315
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 593)

A BILL FOR

1 An Act creating the manufactured housing program fund.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5786HV (1) 84
av/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2315

1 Section 1. NEW SECTION. 16.100B Manufactured housing
2 program fund.

3 1. A manufactured housing program fund is created within the
4 authority to further the goal of providing affordable housing
5 to Iowans. The moneys in the fund are annually appropriated to
6 the authority for the purpose of providing funding to financing
7 agents or financial institutions to finance the purchase by
8 an individual of a manufactured home that is in compliance
9 with all laws, rules, and standards that are applicable to
10 manufactured homes and manufactured housing.

11 2. Moneys received by the authority for the manufactured
12 housing program fund, transferred by the authority for deposit
13 in the fund, appropriated to the fund, and any other moneys
14 available to and obtained or accepted by the authority for
15 placement in the fund shall be deposited in the fund and
16 are appropriated to the authority to be used as set forth
17 in this section. Additionally, recapture of awards and
18 other repayments to the fund shall be deposited in and are
19 appropriated to the fund. Notwithstanding section 8.33,
20 unencumbered or unobligated moneys remaining in the fund on
21 June 30 of any fiscal year shall not revert to any other fund
22 but shall be available for expenditure in subsequent years.
23 Notwithstanding section 12C.7, interest or earnings on moneys
24 in the fund or appropriated to the fund shall be credited to
25 the fund.

26 3. The authority shall allocate moneys available in the
27 manufactured housing program fund to financing agents or
28 financial institutions to be used as set forth in subsection
29 1. The authority may provide funding to a financing agent or
30 financial institution in the form of loans, linked deposits,
31 guarantees, reserve funds, or any other prudent financial
32 instruments.

33 4. The authority shall adopt rules pursuant to chapter
34 17A including but not limited to eligibility requirements for
35 financing agents or financial institutions to receive funding

LSB 5786HV (1) 84

-1-

av/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2315

1 through the manufactured housing program fund and any other
2 rules necessary to implement and administer this section.

3 5. For purposes of this section, "*manufactured home*" or
4 "*manufactured housing*" means the same as defined in section
5 435.1.

6 EXPLANATION

7 This bill creates the manufactured housing program fund
8 within the Iowa finance authority to further the goal of
9 providing affordable housing to Iowans. The moneys in the fund
10 are annually appropriated to the authority for the purpose of
11 providing funding to financing agents or financial institutions
12 to finance the purchase by an individual of a manufactured
13 home that is in compliance with all applicable laws, rules,
14 and standards that are applicable to manufactured homes and
15 manufactured housing.

16 The authority is required to allocate the moneys in the fund
17 to financing agents and financial institutions to meet the
18 purposes set forth in the bill and may provide funding in the
19 form of loans, linked deposits, guarantees, reserve funds, or
20 any other prudent financial instruments.

21 The authority is required to adopt rules that include but
22 are not limited to eligibility requirements for financing
23 agents and financial institutions to receive funding, and any
24 other rules that are necessary to implement and administer the
25 provisions of the bill.

26 For purposes of the bill, "*manufactured home*" or
27 "*manufactured housing*" means a factory-built structure
28 constructed under authority of 42 U.S.C. § 5403, that is
29 required by federal law to display a seal from the United
30 States department of housing and urban development, and was
31 constructed on or after June 15, 1976.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2316 - Introduced

HOUSE FILE 2316
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 512)

A BILL FOR

1 An Act prohibiting certain credits for time served while on
2 probation, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5232HV (2) 84
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2316

1 Section 1. Section 907.3, subsection 3, unnumbered
2 paragraph 1, Code Supplement 2011, is amended to read as
3 follows:

4 By record entry at the time of or after sentencing, the court
5 may suspend the sentence and place the defendant on probation
6 upon such terms and conditions as it may require including
7 commitment to an alternate jail facility or a community
8 correctional residential treatment facility to be followed
9 by a period of probation as specified in section 907.7, or
10 commitment of the defendant to the judicial district department
11 of correctional services for supervision or services under
12 section 901B.1 at the level of sanctions which the district
13 department determines to be appropriate and the payment of
14 fees imposed under section 905.14. A person so committed who
15 has probation revoked shall not be given credit for such time
16 served. However, the a person committed to an alternate jail
17 facility or a community correctional residential treatment
18 facility who has probation revoked shall be given credit for
19 time served in the facility. The court shall not suspend any
20 of the following sentences:

21 Sec. 2. APPLICABILITY AND WAIVER OF RIGHTS. A person who
22 commits an offense prior to the effective date of this Act
23 may expressly state to the court, at the time of sentencing,
24 that the person waives any rights under Anderson v. State,
25 801 N.W.2d 1, relating to the calculation of credit for time
26 served, and agree to be sentenced using credits as calculated
27 under section 907.3 as amended by this Act. If the court finds
28 the waiver voluntary, the sentencing order shall reference the
29 person's waiver of rights under Anderson, and order that credit
30 for time served be calculated under section 907.3, as amended
31 by this Act.

32 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill relates to receiving credit for time served while

LSB 5232HV (2) 84

-1-

jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2316

1 on probation.

2 The bill specifies that a person who receives a suspended
3 sentence and is placed on probation and who has probation
4 subsequently revoked shall not be given credit for time
5 served while on probation unless the person has been committed
6 to an alternate jail facility or a community correctional
7 residential treatment facility. A person who serves time in a
8 jail receives credit for time served pursuant to Code section
9 903A.5.

10 The bill is in response to Anderson v. State, 801 N.W.2d 1
11 (Iowa 2011), in which the Iowa supreme court ruled Iowa law
12 requires a person, who is on probation and subsequently sent to
13 prison, to receive credit for the time served at an alternate
14 jail facility, a community correctional residential treatment
15 facility, or a judicial district department of correctional
16 services for supervision or services.

17 The bill also provides that a person who commits an offense
18 prior to the effective date of the bill may expressly state
19 to the court, at the time of sentencing, that the person
20 waives any rights under the Anderson case that relate to
21 the calculation of credit for time served, and agrees to be
22 sentenced using credits as calculated under Code section 907.3,
23 as amended by the bill.

24 Credit for time served ultimately reduces the period of time
25 a person serves in confinement in a jail or prison. Credit for
26 time served is not earned time under Code section 903A.2.

27 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2317 - Introduced

HOUSE FILE 2317
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 581)

A BILL FOR

1 An Act requiring that absentee ballot return envelopes be
2 conspicuously marked with county commissioner of elections
3 receipt and postmark requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5290HV (1) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2317

1 Section 1. Section 53.17, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. a. In order for the ballot to be counted, the return
4 envelope must be received in the commissioner's office before
5 the polls close on election day or be clearly postmarked by an
6 officially authorized postal service not later than the day
7 before the election and received by the commissioner not later
8 than noon on the Monday following the election.

9 b. Return envelopes shall be conspicuously marked to provide
10 voters with notice of the requirements of this subsection. The
11 state commissioner of elections shall adopt rules to implement
12 this paragraph.

13 EXPLANATION

14 This bill requires that all absentee ballot return envelopes
15 be marked conspicuously to give notice to voters that in
16 order for the absentee ballot to be counted the ballot must
17 be received before the polls close on election day or be
18 postmarked by the day before the election and received by the
19 county commissioner of elections not later than noon on the
20 Monday following the election. The state commissioner of
21 elections shall adopt rules to implement this requirement.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2318 - Introduced

HOUSE FILE 2318
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2067)

A BILL FOR

1 An Act relating to the transmission and recording of certain
2 death certificates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5595HV (1) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2318

1 Section 1. Section 144.26, subsection 3, Code Supplement
2 2011, is amended to read as follows:

3 3. a. The county in which a dead body is found is the
4 county of death. If death occurs in a moving conveyance,
5 the county in which the dead body is first removed from the
6 conveyance is the county of death.

7 b. If a decedent died outside of the county of the
8 decedent's residence, the state registrar shall send a copy
9 of the decedent's death certificate and any amendments to the
10 county registrar of the county of the decedent's residence.
11 The county registrar shall record a death certificate received
12 pursuant to this paragraph in the same records in which the
13 death certificate of a decedent who died within the county
14 is recorded. The state registrar may provide the county
15 registrars with electronic access to vital records in lieu of
16 the requirements of this paragraph.

17 EXPLANATION

18 This bill relates to the transmission and recording of
19 certain death certificates.

20 The bill requires that when a person dies outside of the
21 county of the person's residence the state registrar shall
22 send a copy of the person's death certificate to the county
23 registrar for the county of the person's residence. The bill
24 provides that, in lieu of this requirement, the state registrar
25 may provide county registrars with electronic access to vital
26 records. The bill also requires that a county registrar shall
27 record such a death certificate in the same records in which
28 deaths occurring in the county are recorded.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2319 - Introduced

HOUSE FILE 2319
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 587)

A BILL FOR

1 An Act relating to elections and voter registration, including
2 technical administration of the law by making modifications
3 to certain filing deadlines, preservation of certain
4 records, special elections to fill certain vacancies
5 in office, absentee voting, voting systems, and ballot
6 summaries.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5255HV (1) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 Section 1. Section 43.16, Code 2011, is amended to read as
2 follows:

3 **43.16 Return of papers, additions not allowed.**

4 1. After a nomination paper has been filed, it shall not
5 be returned to the person who has filed the paper, nor shall
6 any signature or other information be added to the nomination
7 paper.

8 2. a. A person who has filed nomination petitions with the
9 state commissioner may withdraw as a candidate not later than
10 5:00 p.m. on the seventy-sixth day before the primary election
11 by notifying the state commissioner in writing.

12 b. A person who has filed nomination papers with the
13 commissioner may withdraw as a candidate not later than 5:00
14 p.m. on the sixty-seventh day before the primary election by
15 notifying the commissioner in writing.

16 3. The name of a candidate who has withdrawn or died at a
17 time in accordance with this section shall be omitted from the
18 certificate furnished by the state commissioner under section
19 43.22 and omitted from the primary election ballot.

20 Sec. 2. Section 43.23, Code 2011, is amended to read as
21 follows:

22 **43.23 Death or withdrawal of primary candidate.**

23 1. If a person who has filed nomination papers with the
24 state commissioner as a candidate in a primary election dies
25 or withdraws ~~up to~~ before 5:00 p.m. on the seventy-sixth
26 day before the primary election, the appropriate convention
27 or central committee of that person's political party may
28 designate one additional primary election candidate for the
29 nomination that person was seeking, if the designation is
30 submitted to the state commissioner in writing by 5:00 p.m. on
31 the seventy-first day before the date of the primary election.
32 The name of any candidate so submitted shall be included in the
33 appropriate certificate or certificates furnished by the state
34 commissioner under section 43.22.

35 2. If a person who has filed nomination papers with the

LSB 5255HV (1) 84

-1-

aw/sc

1/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 commissioner as a candidate in a primary election dies or
2 withdraws ~~up to~~ before 5:00 p.m. on the sixty-seventh day
3 before the primary election, the appropriate convention
4 or central committee of that person's political party may
5 designate one additional primary election candidate for the
6 nomination that person was seeking, if the designation is
7 submitted to the commissioner in writing by 5:00 p.m. on the
8 sixty-third day before the primary election. The name of any
9 candidate so submitted shall be placed on the appropriate
10 ballot or ballots by the commissioner.

11 Sec. 3. Section 43.24, subsection 1, paragraph b, Code 2011,
12 is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
14 vacancies in the office of representative in Congress at a
15 special election held under section 69.14 shall be filed with
16 the state commissioner not less than sixty days prior to the
17 date set for the special election.

18 Sec. 4. Section 43.24, subsection 1, paragraph b,
19 subparagraph (3), Code 2011, is amended to read as follows:

20 (3) Objections to nominations to fill vacancies in the
21 general assembly at a special election held under section
22 69.14, under which the forty-day notice of election provision
23 applies, shall be filed with the state commissioner not less
24 than fifteen days prior to the date set for the special
25 election. If the forty-day notice provision does not apply,
26 objections to nominations to fill vacancies in the general
27 assembly at a special election held under section 69.14 may be
28 filed any time prior to the date set for the special election.

29 Sec. 5. Section 43.24, subsection 1, Code 2011, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. c. Objections filed pursuant to this section
32 shall be filed no later than 5:00 p.m. on the final date for
33 filing.

34 Sec. 6. Section 43.24, subsection 2, paragraph b, Code 2011,
35 is amended to read as follows:

LSB 5255HV (1) 84

-2-

aw/sc

2/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 **b.** If an objection is filed to a nomination to fill
2 a vacancy in the general assembly at a special election
3 held under section 69.14, under which the forty-day notice
4 of election provision of section 69.14 does not apply,
5 notice of the objection shall be made to the candidate by
6 the state commissioner as soon as practicable. Under this
7 paragraph, failure to notify a candidate of an objection to the
8 candidate's nomination prior to the date set for the special
9 election does not invalidate the hearing conducted under
10 subsection 3. The hearing to an objection shall proceed as
11 quickly as possible to expedite the special election.

12 Sec. 7. Section 43.72, Code 2011, is amended to read as
13 follows:

14 **43.72 State returns filed and preserved.**

15 When the canvass is concluded, the board shall deliver
16 the original abstract returns to the state commissioner, who
17 shall file the returns in the state commissioner's office and
18 preserve the abstracts of the canvass of the state board and
19 certificates attached thereto. The state commissioner may
20 preserve the abstracts and certificates attached thereto in an
21 electronic format.

22 Sec. 8. Section 43.88, Code 2011, is amended to read as
23 follows:

24 **43.88 Certification of nominations.**

25 1. Nominations made by state, district, and county
26 conventions, shall, under the name, place of residence, and
27 post office address of the nominee, and the office to which
28 nominated, and the name of the political party making the
29 nomination, be forthwith certified to the proper officer by
30 the chairperson and secretary of the convention, or by the
31 committee, as the case may be, and if such certificate is
32 received in time, the names of such nominees shall be printed
33 on the official ballot the same as if the nomination had been
34 made in the primary election.

35 2. Nominations made to fill vacancies in the office of

LSB 5255HV (1) 84

-3-

aw/sc

3/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 representative in Congress shall be certified to the state
2 commissioner not less than sixty-two days prior to the date set
3 for the special election. Nominations made to fill vacancies
4 in other offices to which this chapter applies at a special
5 election shall be certified to the proper official not less
6 than twenty-five days prior to the date set for the special
7 election. In the event the special election is to fill a
8 vacancy in the general assembly while it is in session or
9 within forty-five days of the convening of any session, the
10 nomination shall be certified not less than fourteen days
11 before the date of the special election.

12 3. Nominations certified to the proper official under this
13 section shall be accompanied by an affidavit executed by the
14 nominee in substantially the form required by section 43.67.

15 Sec. 9. Section 44.4, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. Nominations made pursuant to this chapter and
18 chapter 45 which are required to be filed in the office of
19 the state commissioner shall be filed in that office not
20 more than ninety-nine days nor later than 5:00 p.m. on the
21 eighty-first day before the date of the general election to
22 be held in November. Nominations made for a special election
23 called pursuant to section 69.14 to fill vacancies in the
24 general assembly shall be filed by 5:00 p.m. not less than
25 twenty-five days before the date of an election called upon
26 at least forty days' notice and not less than fourteen days
27 before the date of an election called upon at least eighteen
28 days' notice. Nominations made to fill vacancies in the
29 office of representative in Congress at a special election
30 shall be certified to the state commissioner not less than
31 sixty-two days prior to the date set for the special election.
32 Nominations made for a special election called pursuant to
33 section 69.14A shall be filed by 5:00 p.m. not less than
34 twenty-five days before the date of the election. Nominations
35 made pursuant to this chapter and chapter 45 which are required

LSB 5255HV (1) 84

-4-

aw/sc

4/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 to be filed in the office of the commissioner shall be filed
2 in that office not more than ninety-two days nor later than
3 5:00 p.m. on the sixty-ninth day before the date of the general
4 election. Nominations made pursuant to this chapter or chapter
5 45 for city office shall be filed not more than seventy-two
6 days nor later than 5:00 p.m. on the forty-seventh day before
7 the city election with the city clerk, who shall process them
8 as provided by law.

9 Sec. 10. Section 44.4, subsection 2, paragraph a, Code 2011,
10 is amended by adding the following new subparagraphs:

11 NEW SUBPARAGRAPH. (03) Objections to nominations to fill
12 a vacancy in the office of representative in Congress at a
13 special election held under section 69.14 shall be filed with
14 the state commissioner not less than sixty days prior to the
15 date set for the special election.

16 NEW SUBPARAGRAPH. (003) Objections to nominations to
17 fill a vacancy in the general assembly at a special election
18 held under section 69.14, under which the forty-day notice
19 of election provision applies, shall be filed with the state
20 commissioner not less than fifteen days prior to the date set
21 for the special election. If the forty-day notice provision
22 does not apply, objections to nominations to fill vacancies at
23 a special election held under section 69.14 may be filed no
24 later than the day before the special election.

25 Sec. 11. Section 48A.30, subsection 1, paragraph a, Code
26 2011, is amended to read as follows:

27 *a.* The registered voter dies. For the purposes of this
28 subsection, the commissioner may accept as evidence of death a
29 notice from the state registrar of vital statistics forwarded
30 by the state registrar of voters, a written statement from a
31 member of the registered voter's household, an obituary in
32 a newspaper, an obituary on a funeral home internet site, a
33 written statement from an election official, or a notice from
34 the county recorder of the county where the registered voter
35 died.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 Sec. 12. Section 48A.32, Code 2011, is amended to read as
2 follows:

3 **48A.32 Destruction or removal of canceled voter registration**
4 **records.**

5 Twenty-two months after the next general election following
6 the cancellation of a person's voter registration, or
7 receipt of an incomplete voter registration application,
8 the commissioner may destroy all records of that person's
9 registration, including electronic records. At the discretion
10 of the commissioner, canceled records may be donated to a
11 historical society if all confidential information has been
12 removed from the records.

13 Sec. 13. Section 49.45, Code 2011, is amended to read as
14 follows:

15 **49.45 General form of ballot.**

16 Ballots referred to in section 49.43 shall be ~~substantially~~
17 in one of the following form forms:

18 Shall the following amendment to the Constitution (or public
19 measure) be adopted?

20 ☐ Yes

21 ☐ No

22 (Here insert the summary, if it is for a constitutional
23 amendment or statewide public measure, and in full the proposed
24 constitutional amendment or public measure. The number
25 assigned by the state commissioner or the letter assigned
26 by the county commissioner shall be included on the ballot
27 centered above the question, "Shall the following amendment to
28 the Constitution [or public measure] be adopted?".)

29 Shall the following amendment to the Constitution (or public
30 measure) be adopted?

31 (Here insert the summary, if it is for a constitutional
32 amendment or statewide public measure, and in full the proposed
33 constitutional amendment or public measure. The number
34 assigned by the state commissioner or the letter assigned
35 by the county commissioner shall be included on the ballot

LSB 5255HV (1) 84

aw/sc

6/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 centered above the question, "Shall the following amendment to
2 the Constitution [or public measure] be adopted?".)

3 ☐ Yes

4 ☐ No

5 Sec. 14. Section 50.15A, subsection 2, paragraph a, Code
6 2011, is amended to read as follows:

7 a. After the polls close on election day for a primary
8 election, general election, or special election under section
9 69.14, the commissioner of elections shall periodically provide
10 election results to the state commissioner of elections as
11 the precincts in the county report election results to the
12 commissioner pursuant to section 50.11. If the commissioner
13 has access to the software program necessary to produce the
14 election results in an electronic format, the commissioner
15 shall provide the election results required by this section in
16 an electronic format. If the commissioner determines that all
17 precincts will not report election results before the office is
18 closed, the commissioner shall report the most complete results
19 available prior to leaving the office at the time the office is
20 closed as provided in section 50.11. The commissioner shall
21 specify the number of precincts included in the report to the
22 state commissioner of elections.

23 Sec. 15. Section 50.48, subsection 1, paragraph b, Code
24 2011, is amended to read as follows:

25 b. Immediately upon receipt of a request for a recount,
26 the commissioner shall send a copy of the request to the
27 apparent winner by certified mail. The commissioner shall
28 also attempt to contact the apparent winner by telephone.
29 If the apparent winner cannot be reached within four days,
30 the chairperson of the political party or organization which
31 nominated the apparent winner shall be contacted or, in the
32 case of an election for a nonpartisan office, the entity or
33 officer responsible for making an appointment to fill a vacancy
34 in the office shall be contacted and shall act on behalf of the
35 apparent winner, if necessary. ~~For~~ On behalf of candidates for

LSB 5255HV (1) 84

-7-

aw/sc

7/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 partisan state or federal offices, the chairperson of the state
2 party shall be contacted. ~~For~~ On behalf of candidates for
3 partisan county offices, the county chairperson of the party
4 shall be contacted.

5 Sec. 16. Section 52.5, subsection 2, Code 2011, is amended
6 to read as follows:

7 2. The state commissioner shall formulate, with the advice
8 and assistance of the examiners, and adopt rules governing the
9 testing and examination of any optical scan voting system by
10 the board of examiners. The rules shall prescribe the method
11 to be used in determining whether the system is suitable for
12 use within the state and performance standards for voting
13 equipment in use within the state. The rules shall provide
14 that all optical scan voting systems approved for use by the
15 examiners after April 9, 2003, shall meet voting systems
16 performance and test standards, as adopted ~~by the federal~~
17 ~~election commission on April 30, 2002, and pursuant to the~~
18 provisions of or as deemed adopted by Pub. L. No. 107-252,
19 § 222. The rules shall include standards for determining when
20 recertification is necessary following modifications to the
21 equipment or to the programs used in tabulating votes, and a
22 procedure for rescinding certification if a system is found
23 not to comply with performance standards adopted by the state
24 commissioner.

25 Sec. 17. Section 53.18, subsection 2, Code 2011, is amended
26 to read as follows:

27 2. If the commissioner receives the return envelope
28 containing the completed absentee ballot by 5:00 p.m. on the
29 Saturday before the election for general and primary elections
30 and by 5:00 p.m. on the Friday before the election for all
31 other elections, the commissioner shall open the envelope to
32 review the affidavit for completeness. If the affidavit is
33 incomplete, the commissioner shall, within twenty-four hours of
34 the time the envelope was received, notify the voter of that
35 fact and that the voter may complete the affidavit in person

LSB 5255HV (1) 84

-8-

aw/sc

8/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 at the office of the commissioner by 5:00 p.m. on the day
2 before the election, or in the case of an election at which the
3 polls open at noon on election day, by 10:00 a.m. on the date
4 of the election, vote a replacement ballot in the manner and
5 within the time period provided in subsection 3, or appear at
6 the voter's precinct polling place on election day and cast a
7 ballot in accordance with section 53.19, subsection 3.

8 Sec. 18. Section 53.30, Code 2011, is amended to read as
9 follows:

10 **53.30 Ballots, ballot envelopes, and other information**
11 **preserved.**

12 At the conclusion of each meeting of the absentee and special
13 voter's precinct board, the board shall securely seal all
14 ballots counted by them in the manner prescribed in section
15 50.12. The ballot envelopes, including the envelope having the
16 registered voter's affidavit on it, the return envelope, and
17 secrecy envelope ~~bearing the signatures of precinct election~~
18 ~~officials,~~ as required by section 53.23, shall be preserved.
19 All applications for absentee ballots, ballots rejected without
20 being opened, absentee ballot logs, and any other documents
21 pertaining to the absentee ballot process shall be preserved
22 until such time as the documents may be destroyed pursuant to
23 section 50.19.

24 Sec. 19. Section 53.39, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. All official ballots to be voted by qualified absent
27 voters in the armed forces of the United States at the primary
28 election, and the general election, and special elections for
29 representative in Congress shall be printed prior to forty-five
30 days before the respective elections and shall be available for
31 transmittal to such qualified voters in the armed forces of the
32 United States at least forty-five days before the respective
33 elections. The provisions of this chapter apply to absent
34 voting by qualified voters in the armed forces of the United
35 States except as modified by the provisions of this division.

LSB 5255HV (1) 84

-9-

aw/sc

9/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 Sec. 20. Section 53.40, subsection 2, Code 2011, is amended
2 to read as follows:

3 2. The commissioner shall immediately ~~on~~ after the ballots
4 are available and no later than the forty-fifth day prior to
5 the particular primary election, general election, or special
6 election for representative in Congress transmit ballots to
7 the voter by mail or otherwise, postage prepaid, as directed
8 by the state commissioner, requests for which are in the
9 commissioner's hands at that time, and thereafter so transmit
10 ballots immediately upon receipt of requests. A request for
11 ballot for the primary election which does not state the party
12 affiliation of the voter making the request is void and of no
13 effect. A request which does not show that the person for whom
14 a ballot is requested will be a qualified voter in the precinct
15 in which the ballot is to be cast on the day of the election for
16 which the ballot is requested, shall not be honored. However,
17 a request which states the age and the city, including street
18 address, and county where the voter resides is sufficient to
19 show that the person is a qualified voter. A request by the
20 voter containing substantially the information required is
21 sufficient.

22 Sec. 21. Section 53.47, Code 2011, is amended to read as
23 follows:

24 **53.47 Materials furnished by ~~department of administrative~~**
25 **~~services~~ state commissioner.**

26 1. In order to establish uniformity in size, weight
27 and other characteristics of the ballot and facilitate its
28 distribution and return, the ~~department of administrative~~
29 ~~services shall upon direction of the~~ state commissioner
30 shall purchase any material needed for any special ballots,
31 envelopes, and other printed matter, and sell any such
32 materials to the several counties of the state at cost plus
33 handling and transportation costs.

34 2. There is hereby appropriated to the ~~department of~~
35 ~~administrative services~~ state commissioner from the general

LSB 5255HV (1) 84

-10-

aw/sc

10/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 fund of the state such sums as may be necessary to purchase
2 any materials provided for herein. The proceeds from sale of
3 such materials to counties shall be turned into the general
4 fund of the state upon receipt of same by the ~~department of~~
5 ~~administrative services~~ state commissioner.

6 Sec. 22. Section 69.14, Code 2011, is amended to read as
7 follows:

8 **69.14 Special election to fill vacancies.**

9 A special election to fill a vacancy shall be held for a
10 representative in Congress, or senator or representative in the
11 general assembly, when the body in which such vacancy exists is
12 in session, or will convene prior to the next general election,
13 ~~and the.~~ The governor shall order, not later than five days
14 from the date the vacancy exists, a special election, giving
15 not less than seventy-six days' notice of such election to
16 fill a vacancy in the office of representative in Congress or
17 forty days' notice of such election to fill a vacancy in the
18 office of senator or representative in the general assembly.
19 In the event the special election is to fill a vacancy in the
20 general assembly while it is in session or within forty-five
21 days of the convening of any session, the time limit provided
22 in this section shall not apply and the governor shall order
23 such special election at the earliest practical time, giving
24 at least eighteen days' notice of the special election. Any
25 special election called under this section must be held on
26 a Tuesday and shall not be held on the same day as a school
27 election within the district.

28 Sec. 23. EFFECTIVE UPON ENACTMENT. The following
29 provision or provisions of this Act, being deemed of immediate
30 importance, take effect upon enactment:

31 1. The section of this Act amending section 43.24,
32 subsection 1, paragraph "b".

33 2. The section of this Act amending section 43.24,
34 subsection 2, paragraph "b".

35 3. The section of this Act amending section 43.88.

LSB 5255HV (1) 84

-11-

aw/sc

11/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 4. The sections of this Act amending section 44.4,
2 subsections 1 and 2.

3 5. The section of this Act amending section 53.39,
4 subsection 2.

5 6. The section of this Act amending section 53.40,
6 subsection 2.

7 7. The section of this Act amending section 69.14.

8 EXPLANATION

9 This bill relates to the conduct of elections and voter
10 registration generally.

11 The bill amends Code section 43.16, relating to withdrawal
12 of a primary election candidate, and Code section 43.23,
13 relating to replacement of a primary election candidate who
14 has withdrawn or died, to add the clock time of 5:00 p.m. to
15 the current deadline dates. The bill also amends Code section
16 43.24, relating to filing objections to primary election
17 nominations, to add the clock time of 5:00 p.m. to the current
18 deadline dates.

19 The bill amends Code section 43.72 to specify that the state
20 commissioner of elections has the authority to electronically
21 preserve certain abstracts and certificates from primary
22 elections.

23 The bill amends Code section 48A.30 to provide that in
24 canceling the registration of a registered voter, a county
25 commissioner of elections may accept an obituary on a funeral
26 home internet site as evidence of death.

27 The bill amends Code section 48A.32 to allow a county
28 commissioner of elections, following receipt of a person's
29 incomplete voter registration application, to destroy all
30 records and electronic records of that person's incomplete
31 registration 22 months after the next general election. The
32 bill also allows a county commissioner of elections to destroy
33 the electronic records of canceled or incomplete registrations.

34 The bill amends Code section 49.45 to allow ballots for
35 constitutional amendments and other public measures to be

LSB 5255HV (1) 84

-12-

aw/sc

12/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 published in one of two forms.

2 The bill amends Code section 50.15A to require that a
3 county commissioner of elections provide unofficial election
4 results to the state commissioner of elections for all primary
5 elections and special elections to fill vacancies in the
6 general assembly or office of representative in Congress.
7 Current law already requires that county commissioners provide
8 such results for general elections. The bill also requires
9 that for a primary election, general election, or special
10 election to fill vacancies in the general assembly or office of
11 representative in Congress, a county commissioner of elections
12 provide the state commissioner of elections with election
13 results in an electronic format if the county commissioner has
14 access to the software necessary to produce the results in an
15 electronic format.

16 The bill amends Code section 50.48 to require that in the
17 case of a recount of an election for a nonpartisan office, if
18 the apparent winner cannot be reached within four days after
19 receipt of a request for a recount, the county commissioner of
20 elections shall contact the entity or officer responsible for
21 making an appointment to a vacancy in the nonpartisan office.

22 The bill amends Code section 52.5, relating to the testing
23 and examination of voting equipment, to remove a reference to
24 specific performing and test standards adopted by the federal
25 elections commission on April 30, 2002, but to maintain a
26 reference to the adoption of such standards pursuant to Pub.
27 L. No. 107-252, § 222.

28 The bill amends Code section 53.18 which requires that a
29 county commissioner of elections notify a voter that the voter
30 is allowed the opportunity to complete an affidavit, if the
31 affidavit that accompanies the absentee ballot is incomplete,
32 within 24 hours of the county commissioner receiving
33 the absentee ballot. The bill requires that the county
34 commissioner notify such a voter that they may complete the
35 affidavit in person at the office of the county commissioner

LSB 5255HV (1) 84

-13-

aw/sc

13/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2319

1 by 10:00 a.m. on the date of the election in the case of an
2 election at which the polls open at noon.

3 The bill amends Code section 53.30 to remove a reference to
4 a requirement that precinct election officials sign the secrecy
5 envelopes that are included with absentee ballots. That
6 requirement was repealed in 2008.

7 The bill amends Code section 53.47, relating to military
8 and overseas voters, to require that the state commissioner
9 of elections purchase any materials needed for any special
10 ballots, envelopes, and other printed materials, and sell such
11 materials to the several counties of the state. Current law
12 requires that the department of administrative services conduct
13 these functions at the direction of the state commissioner of
14 elections. The bill also directs general funds appropriated
15 for these purposes to the state commissioner of elections
16 instead of to the department of administrative services.

17 In order to comply with the provisions of the 2009 Military
18 and Overseas Voter Empowerment Act, the bill amends Code
19 section 69.14 to provide that for vacancies in the office
20 of representative in Congress the governor shall give not
21 less than 76 days' notice, rather than 40 days' notice, of
22 the special election to fill the vacancy. The bill makes
23 corresponding changes to Code section 43.24, relating to
24 deadlines for filing objections, and to Code section 43.88,
25 relating to the deadline for filing nomination petitions. The
26 bill makes corresponding changes to Code section 44.4, relating
27 to deadlines for nominations made by nonparty political
28 organizations to fill a vacancy for representatives in Congress
29 or the general assembly and objections to those nominations.
30 The bill also makes corresponding amendments to Code sections
31 53.39 and 53.40 to add special elections for representative in
32 Congress to provisions relating to availability of ballots for
33 qualified voters in the armed forces. These provisions of the
34 bill take effect upon enactment.

LSB 5255HV (1) 84

-14-

aw/sc

14/14



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2320 - Introduced

HOUSE FILE 2320
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 610)

A BILL FOR

1 An Act relating to the designation of area agencies on aging,
2 and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5312HV (1) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2320

1 Section 1. Section 231.32, subsections 1 and 2, Code 2011,
2 are amended to read as follows:

3 1. The commission shall designate ~~thirteen area agencies~~
4 ~~on aging, the same of which existed on July 1, 1985~~ an area
5 agency on aging for each planning and service area. The
6 commission shall continue the designation until an area agency
7 on aging's designation is removed for cause as determined by
8 the commission ~~or~~, until the agency voluntarily withdraws as
9 an area agency on aging, or until a change in the designation
10 of planning and service areas or area agencies on aging
11 is required by state or federal law. In that event, the
12 commission shall proceed in accordance with subsections 2, 3,
13 and 4. Designated area agencies on aging shall comply with the
14 requirements of the federal Act.

15 2. The commission shall designate an area agency to serve
16 each planning and service area, after consideration of the
17 views offered by units of general purpose local government. An
18 area agency may be:

19 a. An established office of aging which is operating within
20 a planning and service area designated by the commission.

21 b. Any office or agency of a unit of general purpose local
22 government, which is designated to function only for the
23 purpose of serving as an area agency on aging by the chief
24 elected official of such unit.

25 c. Any office or agency designated by the appropriate
26 chief elected officials of any combination of units of general
27 purpose local government to act only on behalf of ~~the~~ such
28 combination for such purpose.

29 d. Any public or nonprofit private agency in a planning
30 and service area or any separate organizational unit within
31 such agency which is under the supervision or direction for
32 this purpose of the department on aging and which can and will
33 engage only in the planning or provision of a broad range of
34 supportive services or nutrition services within the planning
35 and service area.

LSB 5312HV (1) 84

-1-

pf/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2320

1 Sec. 2. REVOKING OF DESIGNATION AND DESIGNATION OF AREA
2 AGENCIES ON AGING — EMERGENCY RULES.

3 1. Based upon the plan for reduction in the number of
4 area agencies on aging submitted pursuant to 2011 Iowa Acts,
5 chapter 122, section 20, and pursuant to procedures established
6 by the department on aging in accordance with the federal
7 Older Americans Act, the commission on aging shall revoke the
8 designation of the existing area agencies on aging on June 30,
9 2012, and shall designate an area agency on aging to represent
10 each planning and service area effective July 1, 2012.

11 2. The department on aging may adopt emergency rules under
12 section 17A.4, subsection 3, and section 17A.5, subsection 2,
13 paragraph "b", to implement the provisions of this section and
14 the rules shall be effective immediately upon filing unless
15 a later date is specified in the rules. Any rules adopted
16 in accordance with this section shall also be published as a
17 notice of intended action as provided in section 17A.4.

18 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
19 immediate importance, takes effect upon enactment.

20 EXPLANATION

21 This bill provides for the revoking of the designation of
22 existing area agencies on aging and the designation of new area
23 agencies on aging.

24 The bill eliminates the requirement that the commission on
25 aging designate 13 area agencies on aging and instead directs
26 the commission to designate an area agency on aging for each
27 planning and service area in the state, and to continue the
28 designation until certain criteria are met. In addition to
29 the existing criteria for revoking of the designation of an
30 area agency on aging, the bill includes the new criterion for
31 an area agency on aging to continue until a change in the
32 designation of planning and service areas or area agencies on
33 aging is required by state or federal law.

34 The bill provides that the entities specified under the law
35 to function as an area agency on aging are to function only for

LSB 5312HV (1) 84

-2-

pf/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2320

1 that purpose or engage only in the functions of an area agency
2 on aging.

3 The bill also directs the commission on aging to revoke the
4 designation of the existing area agencies on aging on June 30,
5 2012, and to designate an area agency on aging to represent
6 each planning and service area effective July 1, 2012, based on
7 the plan for reduction in the number of area agencies on aging
8 submitted pursuant to 2011 Iowa Acts, chapter 122, section
9 20, and pursuant to procedures established by the department
10 on aging in accordance with the federal Older Americans Act.
11 The bill authorizes the department on aging to adopt emergency
12 rules to implement the revocations of designation and the
13 designation of new area agencies on aging.
14 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2321 - Introduced

HOUSE FILE 2321
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 619)

A BILL FOR

1 An Act amending provisions in the uniform commercial code
2 relating to secured transactions, and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5461HV (2) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 Section 1. Section 554.9102, subsection 1, paragraph g,
2 subparagraph (2), Code 2011, is amended to read as follows:

3 ~~(2) to execute or otherwise adopt a symbol, or encrypt~~
4 ~~or similarly process a record in whole or in part, with the~~
5 ~~present intent of the authenticating person to identify the~~
6 ~~person and adopt or accept a record to adopt or accept a~~
7 record, to attach to or logically associate with the record an
8 electronic sound, symbol, or process.

9 Sec. 2. Section 554.9102, subsection 1, paragraphs j, ax,
10 and br, Code 2011, are amended to read as follows:

11 *j. "Certificate of title"* means a certificate of title
12 with respect to which a statute provides for the security
13 interest in question to be indicated on the certificate as
14 a condition or result of the security interest's obtaining
15 priority over the rights of a lien creditor with respect to the
16 collateral. The term includes another record maintained as
17 an alternative to a certificate of title by the governmental
18 unit that issues certificates of title if a statute permits the
19 security interest in question to be indicated on the record
20 as a condition or result of the security interest's obtaining
21 priority over the rights of a lien creditor with respect to the
22 collateral.

23 *ax. "Jurisdiction of organization"*, with respect to a
24 registered organization, means the jurisdiction under whose law
25 the organization is formed or organized.

26 *br. "Registered organization"* means an organization formed
27 or organized solely under the law of a single state or the
28 United States and as to which the state or the United States
29 must maintain a public record showing the organization to have
30 been organized by the filing of a public organic record with,
31 the issuance of a public organic record by, or the enactment
32 of legislation by the state or the United States. The term
33 includes a business trust that is formed under the law of a
34 single state if a statute of the state governing business
35 trusts requires that the business trust's organic record be

LSB 5461HV (2) 84

-1-

da/rj

1/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 filed with the state.

2 Sec. 3. Section 554.9102, subsection 1, Code 2011, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *Obp.* "Public organic record" means a record
5 that is available to the public for inspection and is:

6 (1) a record consisting of the record initially filed with
7 or issued by a state or the United States to form or organize
8 an organization and any record filed with or issued by the
9 state or the United States which amends or restates the initial
10 record;

11 (2) an organic record of a business trust consisting of
12 the record initially filed with a state and any record filed
13 with the state which amends or restates the initial record, if
14 a statute of the state governing business trusts requires that
15 the record be filed with the state; or

16 (3) a record consisting of legislation enacted by the
17 legislature of a state or the Congress of the United States
18 which forms or organizes an organization, any record amending
19 the legislation, and any record filed with or issued by the
20 state or the United States which amends or restates the name of
21 the organization.

22 Sec. 4. Section 554.9105, Code 2011, is amended to read as
23 follows:

24 **554.9105 Control of electronic chattel paper.**

25 1. General rule: control of electronic chattel paper. A
26 secured party has control of electronic chattel paper if a
27 system employed for evidencing the transfer of interests in the
28 chattel paper reliably establishes the secured party as the
29 person to which the chattel paper was assigned.

30 2. Specific facts giving control. A system satisfies
31 subsection 1 if the record or records comprising the chattel
32 paper are created, stored, and assigned in such a manner that:
33 1. a. a single authoritative copy of the record or records
34 exists which is unique, identifiable and, except as otherwise
35 provided in ~~subsections 4, 5, and 6~~ paragraphs "d", "e", and

LSB 5461HV (2) 84

-2-

da/rj

2/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 ~f~, unalterable;
2 ~~2.~~ b. the authoritative copy identifies the secured party
3 as the assignee of the record or records;
4 ~~3.~~ c. the authoritative copy is communicated to and
5 maintained by the secured party or its designated custodian;
6 ~~4.~~ d. copies or ~~revisions~~ amendments that add or change an
7 identified assignee of the authoritative copy can be made only
8 with the ~~participation~~ consent of the secured party;
9 ~~5.~~ e. each copy of the authoritative copy and any copy
10 of a copy is readily identifiable as a copy that is not the
11 authoritative copy; and
12 ~~6.~~ f. any ~~revision~~ amendment of the authoritative copy is
13 readily identifiable as an authorized or unauthorized revision.
14 Sec. 5. Section 554.9307, subsection 6, paragraph b, Code
15 2011, is amended to read as follows:
16 b. in the state that the registered organization, branch, or
17 agency designates, if the law of the United States authorizes
18 the registered organization, branch, or agency to designate its
19 state of location, including by designating its main office,
20 home office, or other comparable office; or
21 Sec. 6. Section 554.9311, subsection 1, paragraphs b and c,
22 Code 2011, are amended to read as follows:
23 b. any certificate-of-title statute, including as provided
24 in chapter 321, covering automobiles, trailers, mobile homes,
25 boats, farm tractors, or the like, which provides for a
26 security interest to be indicated on ~~the~~ a certificate of title
27 as a condition or result of perfection; or
28 c. a ~~certificate-of-title~~ statute of another jurisdiction
29 which provides for a security interest to be indicated on
30 ~~the~~ a certificate of title as a condition or result of the
31 security interest's obtaining priority over the rights of a
32 lien creditor with respect to the property.
33 Sec. 7. Section 554.9316, Code 2011, is amended by adding
34 the following new subsections:
35 NEW SUBSECTION. 8. Effect on filed financing statement

LSB 5461HV (2) 84

-3-

da/rj

3/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 *of change in governing law.* The following rules apply to
2 collateral to which a security interest attaches within
3 four months after the debtor changes its location to another
4 jurisdiction:

5 *a.* A financing statement filed before the change pursuant
6 to the law of the jurisdiction designated in section 554.9301,
7 subsection 1, or section 554.9305, subsection 3, is effective
8 to perfect a security interest in the collateral if the
9 financing statement would have been effective to perfect a
10 security interest in the collateral had the debtor not changed
11 its location.

12 *b.* If a security interest perfected by a financing statement
13 that is effective under paragraph "a" becomes perfected under
14 the law of the other jurisdiction before the earlier of the
15 time the financing statement would have become ineffective
16 under the law of the jurisdiction designated in section
17 554.9301, subsection 1, or section 554.9305, subsection 3, or
18 the expiration of the four-month period, it remains perfected
19 thereafter. If the security interest does not become perfected
20 under the law of the other jurisdiction before the earlier time
21 or event, it becomes unperfected and is deemed never to have
22 been perfected as against a purchaser of the collateral for
23 value.

24 NEW SUBSECTION. 9. *Effect of change in governing law*
25 *on financing statement filed against original debtor.* If a
26 financing statement naming an original debtor is filed pursuant
27 to the law of the jurisdiction designated in section 554.9301,
28 subsection 1, or section 554.9305, subsection 3, and the new
29 debtor is located in another jurisdiction, the following rules
30 apply:

31 *a.* The financing statement is effective to perfect a
32 security interest in collateral acquired by the new debtor
33 before, and within four months after, the new debtor becomes
34 bound under section 554.9203, subsection 4, if the financing
35 statement would have been effective to perfect a security

LSB 5461HV (2) 84

-4-

da/rj

4/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 interest in the collateral had the collateral been acquired by
2 the original debtor.

3 *b.* A security interest perfected by the financing statement
4 and which becomes perfected under the law of the other
5 jurisdiction before the earlier of the time the financing
6 statement would have become ineffective under the law of
7 the jurisdiction designated in section 554.9301, subsection
8 1, or section 554.9305, subsection 3, or the expiration
9 of the four-month period remains perfected thereafter. A
10 security interest that is perfected by the financing statement
11 but which does not become perfected under the law of the
12 other jurisdiction before the earlier time or event becomes
13 unperfected and is deemed never to have been perfected as
14 against a purchaser of the collateral for value.

15 Sec. 8. Section 554.9317, subsections 2 and 4, Code 2011,
16 are amended to read as follows:

17 2. *Buyers that receive delivery.* Except as otherwise
18 provided in subsection 5, a buyer, other than a secured
19 party, of tangible chattel paper, tangible documents, goods,
20 instruments, or a ~~security certificate~~ certificated security
21 takes free of a security interest or agricultural lien if the
22 buyer gives value and receives delivery of the collateral
23 without knowledge of the security interest or agricultural lien
24 and before it is perfected.

25 4. *Licensees and buyers of certain collateral.* A licensee of
26 a general intangible or a buyer, other than a secured party,
27 of ~~accounts, electronic chattel paper, electronic documents,~~
28 ~~general intangibles, or investment property collateral~~ other
29 than tangible chattel paper, tangible documents, goods,
30 instruments, or a certificated security takes free of a
31 security interest if the licensee or buyer gives value without
32 knowledge of the security interest and before it is perfected.

33 Sec. 9. Section 554.9326, Code 2011, is amended to read as
34 follows:

35 **554.9326 Priority of security interests created by new**

LSB 5461HV (2) 84

-5-

da/rj

5/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 debtor.

2 1. *Subordination of security interest created by new*
3 *debtor.* Subject to subsection 2, a security interest that
4 is created by a new debtor which is in collateral in which
5 the new debtor has or acquires rights and is perfected solely
6 by a filed financing statement that is effective solely
7 under section 554.9508 in collateral in which a new debtor
8 has or acquires rights would be ineffective to perfect the
9 security interest but for the application of section 554.9316,
10 subsection 9, paragraph "a", or section 554.9508 is subordinate
11 to a security interest in the same collateral which is
12 perfected other than by such a filed financing statement ~~that~~
13 ~~is effective solely under section 554.9508.~~

14 2. *Priority under other provisions — multiple original*
15 *debtors.* The other provisions of this part determine the
16 priority among conflicting security interests in the same
17 collateral perfected by filed financing statements ~~that are~~
18 ~~effective solely under section 554.9508~~ described in subsection
19 1. However, if the security agreements to which a new debtor
20 became bound as debtor were not entered into by the same
21 original debtor, the conflicting security interests rank
22 according to priority in time of the new debtor's having become
23 bound.

24 Sec. 10. Section 554.9406, subsection 5, Code 2011, is
25 amended to read as follows:

26 5. *Inapplicability of subsection 4 to certain sales.*
27 Subsection 4 does not apply to the sale of a payment intangible
28 or promissory note, other than a sale pursuant to a disposition
29 under section 554.9610 or an acceptance of collateral under
30 section 554.9620.

31 Sec. 11. Section 554.9408, subsection 2, Code 2011, is
32 amended to read as follows:

33 2. *Applicability of subsection 1 to sales of certain rights*
34 *to payment.* Subsection 1 applies to a security interest in
35 a payment intangible or promissory note only if the security

LSB 5461HV (2) 84

-6-

da/rj

6/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 interest arises out of a sale of the payment intangible or
2 promissory note, other than a sale pursuant to a disposition
3 under section 554.9610 or an acceptance of collateral under
4 section 554.9620.

5 Sec. 12. Section 554.9502, subsection 3, paragraph c, Code
6 2011, is amended to read as follows:

7 c. the record satisfies the requirements for a financing
8 statement in this section, ~~other than an indication but:~~

9 (1) the record need not indicate that it is to be filed in
10 the real property records; and

11 (2) the record sufficiently provides the name of a debtor
12 who is an individual if it provides the individual name of the
13 debtor or the surname and first personal name of the debtor,
14 even if the debtor is an individual to whom section 554.9503,
15 subsection 1, paragraph "d" applies; and

16 Sec. 13. Section 554.9503, subsection 1, paragraphs a
17 through d, Code 2011, are amended to read as follows:

18 a. except as otherwise provided in paragraph "c", if the
19 debtor is a registered organization or if the collateral is
20 held in a trust that is a registered organization, only if the
21 financing statement provides the name of the debtor indicated
22 that is stated to be the registered organization's name on
23 the public organic record of most recently filed with or
24 issued or enacted by the debtor's registered organization's
25 jurisdiction of organization which shows the debtor to have
26 been organized purports to state, amend, or restate the
27 registered organization's name;

28 b. subject to subsection 6, if the debtor is a decedent's
29 estate collateral is being administered by the personal
30 representative of a decedent, only if the financing statement
31 provides, as the name of the debtor, the name of the decedent
32 and, in a separate part of the financing statement, indicates
33 that the debtor is an estate collateral is being administered
34 by a personal representative;

35 c. ~~if the debtor is a trust or a trustee acting with respect~~

LSB 5461HV (2) 84

-7-

da/rj

7/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 ~~to property held in trust, only if the financing statement~~
2 ~~collateral is held in a trust that is not a registered~~
3 ~~organization, only if the financing statement:~~
4 (1) ~~provides as the name specified for the trust in its~~
5 ~~organic documents or, if no name is specified, provides the~~
6 ~~name of the settlor and additional information sufficient to~~
7 ~~distinguish the debtor from other trusts having one or more of~~
8 ~~the same settlors, and of the debtor:~~
9 (a) ~~if the organic record of the trust specifies a name for~~
10 ~~the trust, the name specified; or~~
11 (b) ~~if the organic record of the trust does not specify a~~
12 ~~name for the trust, the name of the settlor or testator; and~~
13 (2) ~~indicates, in the debtor's name or otherwise, that~~
14 ~~the debtor is a trust or is a trustee acting with respect to~~
15 ~~property held in trust; and in a separate part of the financing~~
16 ~~statement:~~
17 (a) ~~if the name is provided in accordance with subparagraph~~
18 ~~(1), subparagraph division (a), indicates that the collateral~~
19 ~~is held in a trust; or~~
20 (b) ~~if the name is provided in accordance with subparagraph~~
21 ~~(1), subparagraph division (b), provides additional information~~
22 ~~sufficient to distinguish the trust from other trusts having~~
23 ~~one or more of the same settlors or the same testator and~~
24 ~~indicates that the collateral is held in a trust, unless the~~
25 ~~additional information so indicates;~~
26 d. ~~subject to subsection 7, if the debtor is an individual~~
27 ~~to whom this state has issued a driver's license under chapter~~
28 ~~321 that has not expired, only if the financing statement~~
29 ~~provides the name of the individual which is indicated on the~~
30 ~~driver's license;~~
31 e. ~~if the debtor is an individual to whom paragraph "d"~~
32 ~~does not apply, only if the financing statement provides the~~
33 ~~individual name of the debtor or the surname and first personal~~
34 ~~name of the debtor; and~~
35 f. ~~in other cases:~~

LSB 5461HV (2) 84
da/rj

8/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 (1) if the debtor has a name, only if it the financing
2 statement provides the individual or organizational name of the
3 debtor; and

4 (2) if the debtor does not have a name, only if it provides
5 the names of the partners, members, associates, or other
6 persons comprising the debtor, in a manner that each name
7 provided would be sufficient if the person named were the
8 debtor.

9 Sec. 14. Section 554.9503, subsection 2, paragraph b, Code
10 2011, is amended to read as follows:

11 b. unless required under subsection 1, paragraph "d" "f",
12 subparagraph (2), names of partners, members, associates, or
13 other persons comprising the debtor.

14 Sec. 15. Section 554.9503, Code 2011, is amended by adding
15 the following new subsections:

16 NEW SUBSECTION. 6. Name of decedent. The name of the
17 decedent indicated on the order appointing the personal
18 representative of the decedent issued by the court having
19 jurisdiction over the collateral is sufficient as the "name of
20 the decedent" under subsection 1, paragraph "b".

21 NEW SUBSECTION. 7. Multiple driver's licenses. If this
22 state has issued to an individual more than one driver's
23 license under chapter 321 of a kind described in subsection 1,
24 paragraph "d", the one that was issued most recently is the one
25 to which subsection 1, paragraph "d" refers.

26 NEW SUBSECTION. 8. Definition. In this section, the "name
27 of the settlor or testator" means:

28 a. if the settlor is a registered organization, the name
29 that is stated to be the settlor's name on the public organic
30 record most recently filed with or issued or enacted by the
31 settlor's jurisdiction of organization which purports to state,
32 amend, or restate the settlor's name; or

33 b. in other cases, the name of the settlor or testator
34 indicated in the trust's organic record.

35 Sec. 16. Section 554.9507, subsection 3, Code 2011, is

LSB 5461HV (2) 84

-9-

da/rj

9/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 amended to read as follows:

2 3. *Change in debtor's name.* If a ~~debtor so changes its~~ the
3 name that a filed financing statement provides for a debtor
4 becomes insufficient as the name of the debtor under section
5 554.9503, subsection 1, so that the financing statement becomes
6 seriously misleading under section 554.9506:

7 a. the financing statement is effective to perfect a
8 security interest in collateral acquired by the debtor before,
9 or within four months after, the ~~change~~ filed financing
10 statement becomes seriously misleading; and

11 b. the financing statement is not effective to perfect a
12 security interest in collateral acquired by the debtor more
13 than four months after the ~~change~~ filed financing statement
14 becomes seriously misleading, unless an amendment to the
15 financing statement which renders the financing statement not
16 seriously misleading is filed within four months after ~~the~~
17 ~~change~~ the financing statement became seriously misleading.

18 Sec. 17. Section 554.9515, subsection 6, Code 2011, is
19 amended to read as follows:

20 6. *Transmitting utility financing statement.* If a debtor is
21 a transmitting utility and a filed initial financing statement
22 so indicates, the financing statement is effective until a
23 termination statement is filed.

24 Sec. 18. Section 554.9516, subsection 2, paragraph c,
25 subparagraph (2), unnumbered paragraph 1, Code 2011, is amended
26 to read as follows:

27 in the case of an amendment or ~~correction~~ information
28 statement, the record:

29 Sec. 19. Section 554.9516, subsection 2, paragraph c,
30 subparagraph (3), Code 2011, is amended to read as follows:

31 (3) in the case of an initial financing statement that
32 provides the name of a debtor identified as an individual or
33 an amendment that provides a name of a debtor identified as an
34 individual which was not previously provided in the financing
35 statement to which the record relates, the record does not

LSB 5461HV (2) 84

-10-

da/rj

10/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 identify the debtor's last name surname; or
2 Sec. 20. Section 554.9516, subsection 2, paragraph e, Code
3 2011, is amended to read as follows:
4 e. in the case of an initial financing statement or an
5 amendment that provides a name of a debtor which was not
6 previously provided in the financing statement to which the
7 amendment relates, the record does not:
8 (1) provide a mailing address for the debtor; or
9 (2) indicate whether the name provided as the name of the
10 debtor is the name of an individual or an organization; ~~or~~
11 ~~(3) if the financing statement indicates that the debtor is~~
12 ~~an organization, provide:~~
13 ~~(a) a type of organization for the debtor;~~
14 ~~(b) a jurisdiction of organization for the debtor; or~~
15 ~~(c) an organizational identification number for the debtor~~
16 ~~or indicate that the debtor has none;~~
17 Sec. 21. Section 554.9518, Code 2011, is amended to read as
18 follows:
19 **554.9518 Claim concerning inaccurate or wrongfully filed**
20 **record.**
21 1. ~~Correction statement~~ Statement with respect to record
22 indexed under person's name. A person may file in the filing
23 office ~~a correction~~ an information statement with respect to
24 a record indexed there under the person's name if the person
25 believes that the record is inaccurate or was wrongfully filed.
26 2. ~~Sufficiency Contents of correction statement under~~
27 subsection 1. ~~A correction~~ An information statement under
28 subsection 1 must:
29 a. identify the record to which it relates ~~by:~~
30 ~~(1)~~ by the file number assigned to the initial financing
31 statement to which the record relates; and
32 ~~(2) if the correction statement relates to a record filed~~
33 ~~or recorded in a filing office described in section 554.9501,~~
34 ~~subsection 1, paragraph "a", the date and time that the initial~~
35 ~~financing statement was filed or recorded and the information~~

LSB 5461HV (2) 84

-11-

da/rj

11/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 ~~specified in section 554.9502, subsection 2;~~
2 ~~b.~~ indicate that it is ~~a correction~~ an information
3 statement; and
4 ~~c.~~ provide the basis for the person's belief that the record
5 is inaccurate and indicate the manner in which the person
6 believes the record should be amended to cure any inaccuracy or
7 provide the basis for the person's belief that the record was
8 wrongfully filed.
9 3. Statement by secured party of record. A person may file
10 in the filing office an information statement with respect to a
11 record filed there if the person is a secured party of record
12 with respect to the financing statement to which the record
13 relates and believes that the person that filed the record was
14 not entitled to do so under section 554.9509, subsection 4.
15 4. Contents of statement under subsection 3. An information
16 statement under subsection 3 must:
17 ~~a.~~ identify the record to which it relates by the file
18 number assigned to the initial financing statement to which the
19 record relates;
20 ~~b.~~ indicate that it is an information statement; and
21 ~~c.~~ provide the basis for the person's belief that the person
22 that filed the record was not entitled to do so under section
23 554.9509, subsection 4.
24 ~~3- 5. Record not affected by correction information~~
25 ~~statement.~~ The filing of ~~a correction~~ an information statement
26 does not affect the effectiveness of an initial financing
27 statement or other filed record.
28 Sec. 22. Section 554.9607, subsection 2, paragraph b,
29 subparagraph (1), Code 2011, is amended to read as follows:
30 (1) a default has occurred with respect to the obligation
31 secured by the mortgage; and
32 Sec. 23. Section 554.9625, subsection 3, Code 2011, is
33 amended to read as follows:
34 3. Persons entitled to recover damages — statutory
35 damages in consumer-goods transaction if collateral is consumer

LSB 5461HV (2) 84

-12-

da/rj

12/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 goods. Except as otherwise provided in section 554.9628:

2 a. a person that, at the time of the failure, was a debtor,
3 was an obligor, or held a security interest in or other lien
4 on the collateral may recover damages under subsection 2 for
5 its loss; and

6 b. if the collateral is consumer goods, a person that was
7 a debtor or a secondary obligor at the time a secured party
8 failed to comply with this part may recover for that failure
9 in any event an amount not less than the credit service charge
10 plus ten percent of the principal amount of the obligation or
11 the time-price differential plus ten percent of the cash price.

12 Sec. 24. NEW SECTION. 554.9801 **Effective date.** The
13 amendments to this Article, as enacted in this Act, take effect
14 on July 1, 2013.

15 Sec. 25. NEW SECTION. 554.9802 **Savings clause.**

16 1. *Pre-effective-date transactions or liens.* Except
17 as otherwise provided in this part, this Act applies to a
18 transaction or lien within its scope, even if the transaction
19 or lien was entered into or created before July 1, 2013.

20 2. *Pre-effective date proceedings.* This Act does not affect
21 an action, case, or proceeding commenced before July 1, 2013.

22 Sec. 26. NEW SECTION. 554.9803 **Security interest perfected**
23 **before effective date.**

24 1. *Continuing perfection: perfection requirements*
25 *satisfied.* A security interest that is a perfected security
26 interest immediately before July 1, 2013, is a perfected
27 security interest under this Article, as amended by this Act,
28 if on July 1, 2013, the applicable requirements for attachment
29 and perfection under this Article, as amended by this Act, are
30 satisfied without further action.

31 2. *Continuing perfection: perfection requirements not*
32 *satisfied.* Except as otherwise provided in section 554.9805,
33 if immediately before July 1, 2013, a security interest is a
34 perfected security interest, but the applicable requirements
35 for perfection under this Article, as amended by this Act, are

LSB 5461HV (2) 84

-13-

da/rj

13/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 not satisfied on July 1, 2013, the security interest remains
2 perfected thereafter only if the applicable requirements for
3 perfection under this Article, as amended by this Act, are
4 satisfied within one year after July 1, 2013.

5 Sec. 27. NEW SECTION. 554.9804 Security interest
6 unperfected before effective date.

7 A security interest that is an unperfected security interest
8 immediately before July 1, 2013, becomes a perfected security
9 interest:

10 1. without further action, on July 1, 2013, if the
11 applicable requirements for perfection under this Article, as
12 amended by this Act, are satisfied before or on July 1, 2013;
13 or

14 2. when the applicable requirements for perfection are
15 satisfied if the requirements are satisfied after July 1, 2013.

16 Sec. 28. NEW SECTION. 554.9805 Effectiveness of action
17 taken before effective date.

18 1. *Pre-effective-date filing effective.* The filing of
19 a financing statement before July 1, 2013, is effective to
20 perfect a security interest to the extent the filing would
21 satisfy the applicable requirements for perfection under this
22 Article, as amended by this Act.

23 2. *When pre-effective-date filing becomes ineffective.* This
24 Act does not render ineffective an effective financing
25 statement that, before July 1, 2013, is filed and satisfies
26 the applicable requirements for perfection under the law of
27 the jurisdiction governing perfection as provided in this
28 Article, as it existed before July 1, 2013. However, except as
29 otherwise provided in subsections 3 and 4 and section 554.9806,
30 the financing statement ceases to be effective:

31 a. if the financing statement is filed in this state, at the
32 time the financing statement would have ceased to be effective
33 had this Act not taken effect; or

34 b. if the financing statement is filed in another
35 jurisdiction, at the earlier of:

LSB 5461HV (2) 84
da/rj

14/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 (1) the time the financing statement would have ceased to be
2 effective under the law of that jurisdiction; or
3 (2) June 30, 2018.
4 3. *Continuation statement.* The filing of a continuation
5 statement on or after July 1, 2013, does not continue the
6 effectiveness of a financing statement filed before July 1,
7 2013. However, upon the timely filing of a continuation
8 statement on or after July 1, 2013, and in accordance with
9 the law of the jurisdiction governing perfection as provided
10 in this Article, as amended by this Act, the effectiveness
11 of a financing statement filed in the same office in that
12 jurisdiction before July 1, 2013, continues for the period
13 provided by the law of that jurisdiction.
14 4. *Application of subsection 2, paragraph "b", subparagraph*
15 *(2) to transmitting utility financing statement.* Subsection
16 2, paragraph "b", subparagraph (2) applies to a financing
17 statement that, before July 1, 2013, is filed against a
18 transmitting utility and satisfies the applicable requirements
19 for perfection under the law of the jurisdiction governing
20 perfection as provided in this Article, as it existed before
21 July 1, 2013, only to the extent that this Article, as amended
22 by this Act, provides that the law of a jurisdiction other than
23 the jurisdiction in which the financing statement is filed
24 governs perfection of a security interest in collateral covered
25 by the financing statement.
26 5. *Application of Part 5.* A financing statement that
27 includes a financing statement filed before July 1, 2013,
28 and a continuation statement filed on or after July 1,
29 2013, is effective only to the extent that the financing
30 statement satisfies the requirements of Part 5, as amended by
31 this Act, for an initial financing statement. A financing
32 statement that indicates that the debtor is a decedent's
33 estate indicates that the collateral is being administered
34 by a personal representative within the meaning of section
35 554.9503, subsection 1, paragraph "b", as amended by this Act.

LSB 5461HV (2) 84

-15-

da/rj

15/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 A financing statement that indicates that the debtor is a trust
2 or is a trustee acting with respect to property held in trust
3 indicates that the collateral is held in a trust within the
4 meaning of section 554.9503, subsection 1, paragraph "c", as
5 amended by this Act.

6 Sec. 29. NEW SECTION. 554.9806 When initial financing
7 statement suffices to continue effectiveness of financing
8 statement.

9 1. *Initial financing statement in lieu of continuation*
10 *statement.* The filing of an initial financing statement
11 in the office specified in section 554.9501 continues the
12 effectiveness of a financing statement filed before July 1,
13 2013, if:

14 a. the filing of an initial financing statement in that
15 office would be effective to perfect a security interest under
16 this Article, as amended by this Act;

17 b. the pre-effective-date financing statement was filed in
18 an office in another state; and

19 c. the initial financing statement satisfies subsection 3.

20 2. *Period of continued effectiveness.* The filing of an
21 initial financing statement under subsection 1 continues the
22 effectiveness of the pre-effective-date financing statement:

23 a. if the initial financing statement is filed before
24 July 1, 2013, for the period provided in section 554.9515, as
25 it existed before July 1, 2013, with respect to an initial
26 financing statement; and

27 b. if the initial financing statement is filed on or after
28 July 1, 2013, for the period provided in section 554.9515,
29 as amended by this Act, with respect to an initial financing
30 statement.

31 3. *Requirements for initial financing statement under*
32 *subsection 1.* To be effective for purposes of subsection 1, an
33 initial financing statement must:

34 a. satisfy the requirements of Part 5, as amended by this
35 Act, for an initial financing statement;

LSB 5461HV (2) 84

-16-

da/rj

16/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 *b.* identify the pre-effective-date financing statement by
2 indicating the office in which the financing statement was
3 filed and providing the dates of filing and file numbers,
4 if any, of the financing statement and of the most recent
5 continuation statement filed with respect to the financing
6 statement; and

7 *c.* indicate that the pre-effective-date financing statement
8 remains effective.

9 Sec. 30. NEW SECTION. 554.9807 Amendment of
10 pre-effective-date financing statement.

11 1. *"Pre-effective-date financing statement"*. In this
12 section, *"pre-effective-date financing statement"* means a
13 financing statement filed before July 1, 2013.

14 2. *Applicable law.* On or after July 1, 2013, a person may
15 add or delete collateral covered by, continue or terminate the
16 effectiveness of, or otherwise amend the information provided
17 in, a pre-effective-date financing statement only in accordance
18 with the law of the jurisdiction governing perfection as
19 provided in this Article, as amended by this Act. However,
20 the effectiveness of a pre-effective-date financing statement
21 also may be terminated in accordance with the law of the
22 jurisdiction in which the financing statement is filed.

23 3. *Method of amending: general rule.* Except as otherwise
24 provided in subsection 4, if the law of this state governs
25 perfection of a security interest, the information in a
26 pre-effective-date financing statement may be amended on or
27 after July 1, 2013, only if:

28 *a.* the pre-effective-date financing statement and an
29 amendment are filed in the office specified in section
30 554.9501;

31 *b.* an amendment is filed in the office specified in section
32 554.9501 concurrently with, or after the filing in that office
33 of, an initial financing statement that satisfies section
34 554.9806, subsection 3; or

35 *c.* an initial financing statement that provides the

LSB 5461HV (2) 84

-17-

da/rj

17/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 information as amended and satisfies section 554.9806,
2 subsection 3, is filed in the office specified in section
3 554.9501.

4 4. *Method of amending: continuation.* If the law of
5 this state governs perfection of a security interest, the
6 effectiveness of a pre-effective-date financing statement may
7 be continued only under section 554.9805, subsections 3 and 5,
8 or section 554.9806.

9 5. *Method of amending: additional termination rule.* Whether
10 or not the law of this state governs perfection of a security
11 interest, the effectiveness of a pre-effective-date financing
12 statement filed in this state may be terminated on or after
13 July 1, 2013, by filing a termination statement in the office
14 in which the pre-effective-date financing statement is filed,
15 unless an initial financing statement that satisfies section
16 554.9806, subsection 3, has been filed in the office specified
17 by the law of the jurisdiction governing perfection as provided
18 in this Article, as amended by this Act, as the office in which
19 to file a financing statement.

20 Sec. 31. NEW SECTION. 554.9808 **Person entitled to file**
21 **initial financing statement or continuation statement.**

22 A person may file an initial financing statement or a
23 continuation statement under this part if:

- 24 1. the secured party of record authorizes the filing; and
25 2. the filing is necessary under this part:
26 a. to continue the effectiveness of a financing statement
27 filed before July 1, 2013; or
28 b. to perfect or continue the perfection of a security
29 interest.

30 Sec. 32. NEW SECTION. 554.9809 **Priority.**

31 This Act determines the priority of conflicting claims to
32 collateral. However, if the relative priorities of the claims
33 were established before July 1, 2013, this Article, as it
34 existed before July 1, 2013, determines priority.

35 Sec. 33. CODE EDITOR DIRECTIVE. Section 554.9316, Code

LSB 5461HV (2) 84

-18-

da/rj

18/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 2011, is amended by striking from the headnote the words
2 "Continued perfection of security interest following change in
3 governing law." and inserting in lieu thereof the words "Effect
4 of change in governing law."

5 Sec. 34. REPEAL. Sections 554.9701 through 554.9710, Code
6 2011, are repealed.

7 Sec. 35. REPEAL. Sections 554.9801 through 554.9809 are
8 repealed effective July 1, 2019.

9 Sec. 36. GENERAL SAVINGS PROVISION. The repeals of sections
10 554.9701 through 554.9710, and sections 554.9801 through
11 554.9809 in this Act are subject to the application of section
12 4.13, relating to general savings provisions.

13 Sec. 37. EFFECTIVE DATE. This Act takes effect July 1,
14 2013.

15 EXPLANATION

16 BACKGROUND. This bill makes changes in Article 9 of
17 the Uniform Commercial Code (UCC). Generally, Article 9
18 regulates transactions involving the collateralization of
19 debt in personal property and provides rights to competing
20 creditors. It allows a creditor to take a lien (a security
21 interest) in the collateral with the possibility of enforcing
22 the lien if the debtor defaults upon a contractual obligation.
23 The Article includes detailed requirements relating to the
24 creation and perfection of the creditor's security interest in
25 the collateral, and the right to acquire priority over other
26 creditors (e.g., by filing a financing statement with the
27 secretary of state, possessing or controlling the property, or
28 acquiring some form of automatic attachment), and for taking
29 legal action to satisfy the debt by acquiring the collateral or
30 rights to property associated with the contract.

31 BACKGROUND — MODEL ACT. Iowa's version of the UCC is
32 codified in Code chapter 554 based on a model Act drafted and
33 recommended, in association with the American law institute, by
34 the national conference of commissioners on uniform state laws
35 (NCCUSL), also known as the uniform law commission (ULC), which

LSB 5461HV (2) 84

-19-

da/rj

19/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 includes Iowa members appointed by the governor (Code chapter
2 5). In 2000, the general assembly substantially amended
3 Article 9 in conformance with the NCCUSL's 1998 recommended
4 revisions (2000 Iowa Acts, ch. 1149). This bill provides for
5 further revisions to the revised Article 9 again as recommended
6 by the NCCUSL.

7 GENERAL PROVISIONS — DEFINITIONS (CODE SECTION 554.9102).
8 The bill changes definitional provisions, including terms
9 related to records produced or stored in an electronic format
10 including the authentication of records and certificates of
11 title.

12 DEFINITIONS — AUTHENTICATION. The bill amends the
13 definition of "authenticate" to include attaching or logically
14 associating an electronic sound, symbol, or process with a
15 record.

16 DEFINITIONS — CERTIFICATE OF TITLE. The law defines
17 "record" as information inscribed on a tangible medium or
18 stored in an electronic or other medium that can be retrieved
19 in a perceivable form. The bill amends the definition of
20 "certificate of title" to include a record maintained as an
21 alternative to a certificate of title by the issuing government
22 unit.

23 DEFINITIONS — PUBLIC ORGANIC RECORD. The bill creates a
24 new definition for a "public organic record" to mean one of
25 three items: (1) a record available for public inspection that
26 is initially filed with or issued by a state or the federal
27 government to form an organization; (2) an organic record of
28 a business trust initially filed with a state or which amends
29 that record; or (3) a record consisting of federal or state
30 legislation that forms an organization.

31 DEFINITIONS — REGISTERED ORGANIZATION. Under current law,
32 a "registered organization" is formed solely under state or
33 federal law for which the state or federal government must
34 maintain a public record. The bill provides that a registered
35 organization is formed in one of three ways: (1) by filing

LSB 5461HV (2) 84

-20-

da/rj

20/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 a public organic record under state or federal law, (2) the
2 issuance of a public organic record by a state or the federal
3 government, or (3) pursuant to state or federal legislation.
4 The bill specifies that this expressly includes a business
5 trust (e.g., a so-called Massachusetts business trust) formed
6 under a state law that requires public organic records to be
7 filed with the state (e.g., secretary of state).

8 ELECTRONIC CHATTEL PAPER (CODE SECTION 554.9105). A
9 chattel paper transaction involves a written agreement in
10 which a seller or lessor transfers possession and control of
11 property to another while retaining a security interest or
12 lease interest in the property. The writing evidencing the
13 debt constitutes chattel paper. Under current law, a security
14 interest is perfected by control of the paper, and the UCC
15 sets forth a six-factor test to determine if a secured party
16 has control of electronic chattel paper. The bill retains the
17 six-factor test but allows a secured party to establish control
18 by using a system that reliably establishes the secured party
19 as the person to whom the chattel paper was assigned.

20 PERFECTION AND PRIORITY — LOCATION OF A DEBTOR (CODE
21 SECTION 554.9307). This provision applies to either a
22 registered organization formed under the laws of the United
23 States or a branch or agency of a bank that is not organized
24 under the law of the United States or a state. A registered
25 organization can designate its state of location in a manner
26 described in federal law. The bill provides that when
27 referenced in federal law, a registered organization's "main
28 office" or "home office" means the organization's location (for
29 purposes of filing a financing statement).

30 PERFECTION AND PRIORITY — PERFECTION OF SECURITY INTEREST
31 IN PROPERTY (CODE SECTION 554.9311). The bill makes changes to
32 conform with the bill's revised definition of "certificate of
33 title" (See Code section 554.9101 as amended in the bill).

34 PERFECTION AND PRIORITY — EFFECT OF CHANGE IN GOVERNING
35 LAW (CODE SECTION 554.9316). The bill provides protection

LSB 5461HV (2) 84

-21-

da/rj

21/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 for a secured party whose security interest in after-acquired
2 property would become unperfected if the debtor relocated to
3 another jurisdiction (e.g., state). Under current law, by
4 comparison, a security interest that attached to collateral
5 prior to a debtor's move to another jurisdiction remains
6 perfected for four months after the move. The four-month
7 grace period is limited to collateral in which the security
8 party's interest was perfected at the time that the debtor's
9 location changed. The bill adds the same grace period for
10 the after-acquired property. It provides that the security
11 interest attaches within the four-month period if the secured
12 party does whatever would have been necessary to perfect the
13 security interest in the original jurisdiction. The collateral
14 remains perfected for the four-month period. The secured party
15 may continue perfection beyond the four-month period by filing
16 a financing statement or otherwise perfecting under the law
17 of the new jurisdiction. Similarly, the rule applies to a
18 security interest in after-acquired property if a new debtor
19 becomes bound by the original debtor's security agreement and
20 the new debtor is located in a different jurisdiction from the
21 jurisdiction in which the original debtor was located.

22 PERFECTION AND PRIORITY — INTERESTS THAT TAKE PRIORITY OVER
23 OR TAKE FREE OF SECURITY INTERESTS (CODE SECTION 554.9317).

24 Currently, a licensee of general intangible property or a buyer
25 (other than a secured party) takes free of a security interest
26 if the licensee or buyer gives value without knowledge of a
27 security interest before the security interest is perfected.
28 The bill strikes the list of types of property subject to this
29 exclusion (accounts, electronic chattel paper, electronic
30 documents, general intangibles, or investment property other
31 than a certificated security) and provides that the licensee
32 or buyer takes free of an unperfected security in collateral
33 other than tangible chattel paper, tangible documents, goods,
34 instruments, or a certificated security.

35 PERFECTION AND PRIORITY — PRIORITY OF SECURITY INTERESTS

LSB 5461HV (2) 84

-22-

da/rj

22/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 CREATED BY A NEW DEBTOR (CODE SECTION 554.9326). The current
2 law provides for contests involving priority that may arise
3 when a new debtor becomes bound by a security agreement of an
4 original debtor and each debtor has a secured creditor. The
5 bill makes changes to correspond to a change made in the bill
6 to Code section 554.9316. It provides for the subordinate
7 position of a secured party who has a security interest in the
8 original debtor's collateral and who has filed a financing
9 statement against the new debtor in a different jurisdiction,
10 but the financing statement would not otherwise be sufficient
11 to obtain priority.

12 RIGHTS OF THIRD PARTIES — PAYMENT INTANGIBLES AND
13 PROMISSORY NOTES (CODE SECTIONS 554.9406 AND 554.9408). Two
14 similar provisions are affected. Both relate to a term
15 restricting an assignment in an agreement between an account
16 debtor and an assignor or in a promissory note.

17 RIGHTS OF THIRD PARTIES — GENERAL PROVISION (CODE
18 SECTION 554.9406). The first section applies generally to
19 accounts, chattel paper, payment intangibles, and promissory
20 notes, by making such a term ineffective (Code section
21 554.9406). However, an exception applies to the sale of a
22 payment intangible or promissory note. Under the bill, this
23 exception does not apply when the sale is under a disposition
24 of collateral after default (Code section 554.9610) or on
25 acceptance of collateral in full or partial satisfaction of
26 obligation (Code section 554.9620).

27 RIGHTS OF THIRD PARTIES — SPECIFIC PROVISION (CODE SECTION
28 554.9408). The second section applies to restrict but not
29 prohibit the assignment of a general intangible, health care
30 insurance receivable, or promissory note. Under current law,
31 a qualifying restriction applies to a security interest in a
32 payment intangible or promissory note only if the security
33 interest arises out of a sale of the payment intangible or
34 promissory note. The bill amends this qualification, again
35 to provide that it does not apply to a security interest that

LSB 5461HV (2) 84

-23-

da/rj

23/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 arises out of a sale under a disposition of collateral after
2 default or on acceptance of collateral in full or partial
3 satisfaction of obligation.

4 FILING — NAME OF DEBTOR AND SECURED PARTY (CODE SECTIONS
5 554.9502, 554.9503, AND 554.9507). The current law provides
6 when a financing statement sufficiently provides the correct
7 name of a debtor. The bill provides that for a registered
8 organization, the name of the debtor is sufficient if it
9 matches the name on the public organic record most recently
10 filed in the jurisdiction of organization. In addition,
11 the bill adopts the so-called model Act's "Alternative A",
12 sometimes known as the "only-if" rule which requires the
13 financing statement to include the name of the debtor as it
14 appears on the debtor's unexpired driver's license. In lieu of
15 the driver's license information, a variation of the current
16 rule applies. Specifically, the financing statement must use
17 the debtor's legal name or debtor's surname and first personal
18 name.

19 FILING — DURATION AND EFFECTIVENESS OF A FINANCING
20 STATEMENT FOR TRANSMITTING UTILITIES (CODE SECTION 554.9515).
21 Under current law, a financing statement listing a transmitting
22 utility as a debtor does not lapse but continues until the
23 secured party files a termination statement. The bill requires
24 that the designation of a debtor as a transmitting utility must
25 be made on the initial financing statement.

26 FILING — WHAT CONSTITUTES FILING — EFFECTIVENESS OF FILING
27 (CODE SECTION 554.9516). The bill eliminates a requirement
28 that certain information about a debtor that is an organization
29 must be stated on a financing statement. The secretary
30 of state is not required to reject a financing statement
31 because it fails to list type of organization, jurisdiction of
32 organization, and organizational identification number.

33 FILING — CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED
34 RECORD (CODE SECTION 554.9518). Currently, a person may file
35 a statement correcting an incorrect statement on record (a

LSB 5461HV (2) 84

-24-

da/rj

24/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 so-called UCC-5 Correction Statement) without legal effect.
2 The bill renames this document as an "information statement"
3 and provides that a secured party may also file such statement.
4 It adopts the model Act's 1998 Alternative A version, by
5 eliminating a provision in current law that requires the
6 statement to include the date and time that the initial
7 financing statement was filed or recorded.

8 FILING — COLLECTION AND ENFORCEMENT OF A MORTGAGE INTEREST
9 OUTSIDE FORECLOSURE (CODE SECTION 554.9607). Under current
10 law, a secured party may enforce a mortgage (e.g., securing
11 a promissory note) pursuant to a nonjudicial proceeding
12 (foreclosure sale) in part by recording the security agreement
13 and affidavit in the place where the mortgage is recorded. The
14 affidavit must include a provision verifying that a default
15 has occurred. The bill provides that the affidavit must
16 verify that the default involved an obligation secured by the
17 mortgage.

18 TRANSITION PROVISIONS — GENERAL. The bill provides for the
19 scope and application of its provisions, including by referring
20 to its effective date (Code section 554.9801) and including a
21 general savings clause (Code section 554.9802). Generally,
22 the transition provisions detail the requirements of secured
23 parties that acquired or perfected a security interest prior
24 to the bill's effective date (pre-effective-date) including by
25 filing a pre-effective-date financing statement in this state
26 or another jurisdiction (state) and specifying the necessary
27 requirements to comply with the bill's provisions on and after
28 its effective date.

29 TRANSITION PROVISIONS — SECURITY INTERESTS. The bill
30 provides that a pre-effective-date security interest remains
31 effective on and after the bill's effective date, unless it
32 fails to satisfy the bill's requirements with a one-year grace
33 period provided (Code section 554.9803). A pre-effective-date
34 unperfected security interest will become perfected upon
35 the effective date if it satisfies the bill's perfection

LSB 5461HV (2) 84

-25-

da/rj

25/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 requirements. Otherwise, it will remain unperfected until the
2 bill's perfection requirements are satisfied (Code section
3 554.9804).

4 TRANSITION PROVISION — EFFECTIVENESS OF FINANCING
5 AND CONTINUATION STATEMENTS. The bill provides that a
6 pre-effective-date financing statement continues in effect
7 as long as it satisfies the bill's requirements and other
8 provisions applicable to such financing statements. It
9 also provides that a financing statement filed in another
10 jurisdiction may remain effective for as long as it would
11 remain effective in the other jurisdiction or June 30, 2018
12 whichever is earlier (Code section 554.9805). The bill
13 provides that the filing of an initial financing statement may
14 continue the effectiveness of a pre-effective-date financing
15 statement rather than a continuation statement that would
16 otherwise be filed (Code section 554.9806). Generally, a
17 financing statement is effective for five years or until it
18 lapses (Code section 554.9515). The bill provides for the
19 amendment or termination of a pre-effective-date financing
20 statement (Code section 554.9807). A person may file an
21 initial financing statement or a continuation statement to
22 the extent authorized by the secured party and the filing is
23 necessary to comply with the bill's transition provisions
24 (Code section 554.9808). The bill expressly states that its
25 provisions govern relative priorities of conflicting claims,
26 except to the extent that the priorities were established
27 before the bill's effective date.

28 HEADNOTE CHANGE. The bill expressly amends a section's
29 headnote to comply with codification requirements provided in
30 Code section 3.3.

31 REPEAL OF TRANSITION PROVISION. The bill repeals existing
32 transition provisions enacted in 2000 Iowa Acts, chapter 1149,
33 and transition provisions included in the bill. The repeal of
34 the bill's new transition provisions takes effect July 1, 2019,
35 when such provisions will be out of date. The bill includes a

LSB 5461HV (2) 84

-26-

da/rj

26/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2321

1 general savings clause.

2 EFFECTIVE DATE. The bill takes effect July 1, 2013, in the
3 same manner as other states which have adopted the model act.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2322 - Introduced

HOUSE FILE 2322
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 602)

A BILL FOR

1 An Act concerning the review, approval, and establishment of
2 county supervisor districting plans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5274HV (1) 84
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2322

1 Section 1. Section 49.8, subsection 4, Code 2011, is amended
2 to read as follows:

3 4. If city population data certified by the United States
4 bureau of the census following the federal decennial census
5 is revised and the revision is certified by the United
6 States bureau of the census, such revisions may be used
7 to revise precinct and ward boundaries in accordance with
8 the requirements of sections 49.3 and 49.5. The board of
9 supervisors shall determine whether such revised population
10 data affects the population equality of supervisor districts.
11 If necessary, the temporary county redistricting commission
12 shall be reconvened, notwithstanding section 331.210A,
13 subsection 4, and supervisor districts shall be revised
14 in accordance with the requirements of section 331.210A,
15 ~~subsection~~ subsections 2 and 2A.

16 Sec. 2. Section 68B.32A, subsection 16, Code 2011, is
17 amended by striking the subsection.

18 Sec. 3. Section 331.209, subsection 4, Code 2011, is amended
19 by striking the subsection.

20 Sec. 4. Section 331.210A, subsection 2, paragraph e, Code
21 2011, is amended by striking the paragraph.

22 Sec. 5. Section 331.210A, subsection 2, paragraph f,
23 subparagraph (4), Code 2011, is amended to read as follows:

24 (4) The governing body, after approving a plan, shall comply
25 with the requirements of ~~paragraph "e"~~ subsection 2A.

26 Sec. 6. Section 331.210A, Code 2011, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 2A. Review and approval of plans.

29 a. The plan adopted by the board of supervisors as provided
30 in subsection 2 shall be submitted to the state commissioner of
31 elections for review and approval. To facilitate this review,
32 each applicable temporary county redistricting commission
33 shall notify the state commissioner of elections when the
34 boundaries of supervisor districts will be changed or newly
35 divided pursuant to a change in the county representation plan,

LSB 5274HV (1) 84

-1-

ec/sc

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2322

1 shall provide documentation as to when the board of supervisors
2 approved the new supervisor district plan, shall provide a map
3 delineating the new boundary lines, and shall certify to the
4 state commissioner of elections the populations of the new
5 supervisor districts as determined under the latest federal
6 decennial census.

7 *b.* (1) The state commissioner shall reject a county
8 supervisor districting plan submitted to the state commissioner
9 if a valid petition requesting that the legislative services
10 agency prepare the supervisor districting plan for the county
11 is filed with the state commissioner of elections, on a form
12 prescribed by the state commissioner, within thirty days after
13 the plan is approved by the board of supervisors. For purposes
14 of this subparagraph, a petition is a valid petition if signed
15 by eligible electors of the county equal in number to at least
16 two percent of the total votes cast in the county for the
17 office of governor at the last preceding general election
18 for governor. In addition, the petition shall include the
19 signatures of the eligible electors, a statement of their place
20 of residence, and the date on which they signed the petition.
21 If a date of signature on a petition is a date prior to the date
22 the board of supervisors approved the plan, the signature shall
23 not be counted.

24 (2) Upon determining that a valid petition has been
25 filed with the state commissioner, the state commissioner
26 shall direct the legislative services agency to prepare a
27 supervisor districting plan for the county. The legislative
28 services agency shall draw the plan, based to the extent
29 possible upon the precinct plan adopted and approved by the
30 state commissioner for use by the county, in accordance with
31 the standards of section 42.4, to the extent applicable, and
32 such other legal requirements applicable to county supervisor
33 districts. The legislative services agency shall submit the
34 plan to the state commissioner who shall impose the plan on the
35 county.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2322

1 *c.* (1) If a valid petition as provided by paragraph “*b*” is
2 not filed with the state commissioner, the state commissioner
3 shall review the plan submitted and shall approve the plan if
4 the plan meets the standards of section 42.4 and such other
5 legal requirements applicable to county supervisor districts
6 and precincts.

7 (2) If the state commissioner finds that the plan does
8 not meet the standards of section 42.4 and such other legal
9 requirements applicable to county supervisor districts or
10 precincts, the state commissioner shall reject the plan, and
11 the board of supervisors shall direct the commission to prepare
12 and adopt an acceptable plan. If it is necessary for the
13 temporary county redistricting commission to make subsequent
14 attempts at adopting an acceptable plan because the initial
15 proposed district or precinct plan has been rejected pursuant
16 to this subparagraph, the subsequent plans do not require
17 public hearings.

18 *d.* Upon failure of a temporary county redistricting
19 commission to make the required changes in supervisor district
20 boundaries by the dates specified by sections 331.203,
21 331.204, and 331.209 as determined by the state commissioner of
22 elections, the state commissioner of elections shall make or
23 cause to be made the necessary changes as soon as possible, and
24 shall assess to the county the expenses incurred in so doing.
25 The state commissioner of elections may request the services of
26 personnel and materials available to the legislative services
27 agency to assist the state commissioner in making required
28 changes in supervisor district boundaries which become the
29 state commissioner’s responsibility.

30 Sec. 7. Section 331.210A, subsection 4, Code 2011, is
31 amended to read as follows:

32 4. *Termination.* The terms of the members of the temporary
33 county redistricting commission shall expire twenty days
34 following the date the county’s supervisor district plan and
35 corresponding precinct plan, if applicable, are approved or

LSB 5274HV (1) 84
ec/sc

-3-

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2322

1 imposed by the state commissioner of elections under ~~sections~~
2 section 49.7 and 331.209 this section.

3 Sec. 8. Section 331.248, subsection 2, paragraph h, Code
4 2011, is amended to read as follows:

5 h. Provide for a representation plan for the governing body
6 which representation plan may differ from the representation
7 plans provided in section 331.206 and in chapter 372. If the
8 plan calls for representation by districts and the charter
9 has been approved in a county whose population is one hundred
10 eighty thousand or more, the plan shall be drawn pursuant to
11 section 331.210A, subsection 2, paragraph "f". The initial
12 representation plan for such a county shall be drawn as
13 provided in section 331.210A, subsection 2, paragraph "f",
14 within one hundred twenty days after the election at which the
15 charter is approved. For the initial representation plan,
16 the charter commission shall assume the role of the governing
17 body for purposes of this paragraph ~~and~~, section 331.210A,
18 subsection 2, paragraphs "d" ~~through and~~ "f", and section
19 331.210A, subsection 2A.

20 EXPLANATION

21 This bill concerns county supervisor districting plans.

22 Under current law, following adoption by the county
23 supervisors of a county supervisor districting plan, an
24 eligible elector from the county may file, within 14 days of
25 adopting the plan, a complaint with the state commissioner of
26 elections (the secretary of state), alleging that the plan was
27 drawn for improper political reasons. Once filed, current law
28 provides that the complaint be forwarded to the ethics and
29 campaign disclosure board for a determination of whether the
30 plan was improperly drawn.

31 The bill eliminates the complaint process relative to
32 the ethics and campaign disclosure board. Instead, the bill
33 provides that if following the adoption of a county supervisor
34 district plan a valid petition is filed with the commissioner
35 of elections, the state commissioner shall reject the plan and

LSB 5274HV (1) 84

-4-

ec/sc

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2322

1 direct the legislative services agency to draw a plan. The
2 bill provides that the petition shall be filed within 30 days
3 after the adoption of the plan and shall be signed by eligible
4 electors of the county equal in number to at least 2 percent of
5 the total votes cast for the office of governor in the county
6 at the last preceding general election for governor. To be
7 counted, a signature shall not be dated prior to the date the
8 board of supervisors approved the plan. The bill provides that
9 once the state commissioner determines that a valid petition
10 has been filed, the legislative services agency shall draw a
11 county supervisor districting plan that shall be imposed on the
12 county by the state commissioner.

13 The bill makes additional changes to relocate provisions
14 relative to the consideration, review, approval, and
15 imposition of county supervisor districting plans by the state
16 commissioner of elections to Code section 331.210A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2323 - Introduced

HOUSE FILE 2323
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 2141)

A BILL FOR

1 An Act relating to city utilities and city enterprises by
2 making changes to requirements related to residential rental
3 property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5664HV (1) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2323

1 Section 1. Section 384.84, subsection 4, paragraph d, Code
2 Supplement 2011, is amended to read as follows:
3 d. Residential rental property where a charge for water
4 service is separately metered and paid directly to the city
5 utility or enterprise by the tenant is exempt from a lien for
6 delinquent rates or charges associated with such water service
7 if the landlord gives written notice to the city utility or
8 enterprise that the property is residential rental property
9 and that the tenant is liable for the rates or charges. A
10 city utility or enterprise may require a deposit not exceeding
11 the usual cost of ninety days of water service to be paid
12 to the utility or enterprise. Upon receipt, the utility or
13 enterprise shall acknowledge the notice and deposit. A written
14 notice shall contain the ~~name of the tenant responsible for~~
15 ~~charges,~~ address of the residential rental property that the
16 tenant is to occupy, and the date that the occupancy begins.
17 ~~A change in tenant shall require a new written notice to be~~
18 ~~given to the city utility or enterprise within thirty business~~
19 ~~days of the change in tenant.~~ When the tenant moves from the
20 rental property, the city utility or enterprise shall return
21 the deposit if the water service charges are paid in full. A
22 change in the ownership of the residential rental property
23 shall require written notice of such change to be given to the
24 city utility or enterprise within ten business days of the
25 completion of the change of ownership. The lien exemption for
26 rental property does not apply to charges for repairs to a
27 water service if the repair charges become delinquent.
28 Sec. 2. Section 384.84, subsection 4, Code Supplement 2011,
29 is amended by adding the following new paragraph:
30 NEW PARAGRAPH. e. Residential rental property where a
31 charge for any of the services of sewer systems, storm water
32 drainage systems, sewage treatment, solid waste collection, and
33 solid waste disposal is paid directly to the city utility or
34 enterprise by the tenant is exempt from a lien for delinquent
35 rates or charges associated with such services if the landlord

LSB 5664HV (1) 84

-1-

aw/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2323

1 gives written notice to the city utility or enterprise that the
2 property is residential rental property and that the tenant is
3 liable for the rates or charges. A city utility or enterprise
4 may require a deposit not exceeding the usual cost of ninety
5 days of the services of sewer systems, storm water drainage
6 systems, sewage treatment, solid waste collection, and solid
7 waste disposal to be paid to the utility or enterprise. Upon
8 receipt, the utility or enterprise shall acknowledge the notice
9 and deposit. A written notice shall contain the address of
10 the residential rental property that the tenant is to occupy
11 and the date that the occupancy begins. When the tenant moves
12 from the rental property, the city utility or enterprise shall
13 return the deposit if the charges for the services of sewer
14 systems, storm water drainage systems, sewage treatment, solid
15 waste collection, and solid waste disposal are paid in full.
16 A change in the ownership of the residential rental property
17 shall require written notice of such change to be given to the
18 city utility or enterprise within ten business days of the
19 completion of the change of ownership. The lien exemption for
20 rental property does not apply to charges for repairs related
21 to a service of sewer systems, storm water drainage systems,
22 sewage treatment, solid waste collection, and solid waste
23 disposal if the repair charges become delinquent.

24 EXPLANATION

25 The bill relates to city utilities and city enterprises by
26 making changes to requirements related to residential rental
27 property.

28 The bill removes a requirement for residential rental
29 property that written notice to a city utility or enterprise
30 include the name of the tenant responsible for charges for
31 water services when such charges are separately metered
32 and paid directly by the tenant. The bill also removes a
33 requirement that a new written notice be provided to the city
34 utility or enterprise within 30 days of a change in tenant for
35 such residential rental property.

LSB 5664HV (1) 84

-2-

aw/sc

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2323

1 The bill provides that residential rental property is exempt
2 from a lien for delinquent rates or charges associated with
3 charges for sewer system, storm water drainage system, water
4 treatment, solid waste collection, and solid waste disposal
5 services if the landlord gives written notice to the city
6 utility or city enterprise that the property is residential
7 rental property and that the tenant is liable for the rates
8 or charges. The bill provides that a city utility or city
9 enterprise may require a deposit not exceeding the usual cost
10 of 90 days of provision of such services to be paid to the
11 city utility or city enterprise. The bill requires that the
12 city utility or city enterprise acknowledge the receipt of
13 such notice and deposit. The bill requires that a written
14 notice contain the address of the residential rental property
15 that the tenant is to occupy and the date that the occupancy
16 begins. The bill requires that the city utility or city
17 enterprise return the deposit paid if the charges for such
18 services are paid in full when the tenant moves from the rental
19 property. The bill requires that written notice be provided
20 to a city utility or city enterprise providing such services
21 within 10 business days when there is a change in ownership
22 of residential rental property. The bill further provides
23 that the lien exemption does not apply to charges for repairs
24 related to sewer systems, storm water drainage systems, water
25 treatment, solid waste collection, and solid waste disposal
26 services if the repair charges become delinquent.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2324 - Introduced

HOUSE FILE 2324
BY LUKAN

A BILL FOR

1 An Act providing education savings grants for certain pupils
2 attending an accredited nonpublic school or receiving
3 competent private instruction, establishing an education
4 savings grant fund, making appropriations, providing
5 penalties, and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5925YH (3) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 Section 1. Section 12D.3, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:

3 a. Each participation agreement may require a participant
4 to agree to invest a specific amount of money in the trust
5 for a specific period of time for the benefit of a specific
6 beneficiary. A participant shall not be required to make an
7 annual contribution on behalf of a beneficiary. The maximum
8 contribution that may be deducted for Iowa income tax purposes
9 shall not exceed two thousand dollars per beneficiary per year
10 adjusted annually to reflect increases in the consumer price
11 index. A contribution to an account that is the result of a
12 transfer from an account in the education savings grant fund
13 under section 257.11B shall not be considered a contribution
14 that may be deducted for Iowa income tax purposes. The
15 treasurer of state shall set an account balance limit to
16 maintain compliance with section 529 of the Internal Revenue
17 Code. A contribution shall not be permitted to the extent it
18 causes the aggregate balance of all accounts established for
19 the same beneficiary to exceed the applicable account balance
20 limit.

21 Sec. 2. Section 256.7, Code Supplement 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 31. Adopt rules relating to applications
24 for an education savings grant pursuant to section 257.11B,
25 including application processing timelines and information
26 required to be submitted by a parent or guardian.

27 Sec. 3. Section 257.6, subsection 1, paragraph a, Code 2011,
28 is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (8) Resident pupils receiving an
30 education savings grant pursuant to section 257.11B and not
31 included in the actual enrollment under another provision of
32 this paragraph.

33 Sec. 4. NEW SECTION. **257.11B Education savings grant**
34 **program.**

35 1. Pupils eligible to enroll in grades kindergarten

LSB 5925YH (3) 84

-1-

md/sc

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 through twelve and attending an accredited nonpublic school
2 or receiving competent private instruction under chapter 299A
3 shall be eligible to receive an education savings grant in the
4 manner provided in this section for school years beginning
5 on or after July 1, 2013. Education savings grants shall be
6 available for disbursement to parents and guardians for the
7 payment of qualified education expenses as provided in this
8 section.

9 2. a. (1) By January 31 preceding the school year for
10 which the education savings grant is requested, the parent
11 or guardian of the pupil requesting to receive an education
12 savings grant shall submit an application to the department of
13 education, on application forms developed by the department,
14 indicating that the parent or guardian intends to enroll the
15 pupil in an accredited nonpublic school or provide competent
16 private instruction for the pupil under chapter 299A.

17 (2) In addition to such information deemed appropriate by
18 the department of education, the application shall require the
19 following information:

20 (a) Certification from the accredited nonpublic school
21 of the pupil's enrollment for the following school year or a
22 statement indicating the parent or guardian's intent to provide
23 or arrange for competent private instruction for the pupil for
24 the following school year.

25 (b) Certification from the parent or guardian of the pupil
26 that an account has been established in the pupil's name in the
27 Iowa education savings plan trust pursuant to chapter 12D.

28 b. By March 1 preceding the school year for which the
29 education savings grant is requested, the department of
30 education shall notify the department of management of the
31 number of pupils in each school district designated for the
32 following school year to receive an education savings grant
33 and the amount of the education savings grant for each pupil.
34 The department of education shall also notify the parent
35 or guardian of such pupils who are approved to receive an

LSB 5925YH (3) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 education savings grant.

2 *c.* Education savings grants shall only be approved for one
3 school year and applications must be submitted under paragraph
4 “*a*” for education savings grants in subsequent school years.

5 3. *a.* (1) The department of management shall assign each
6 pupil an education savings grant in an amount equal to one of
7 the following:

8 (a) For pupils that meet the income eligibility requirement
9 for free and reduced price meals under the federal National
10 School Lunch Act and the federal Child Nutrition Act of
11 1966, 42 U.S.C. § 1751-1785, one hundred percent of the
12 state foundation aid per pupil received by the pupil’s school
13 district of residence in the same school year.

14 (b) For pupils from a household with an income that is
15 greater than the income eligibility requirement for free and
16 reduced price meals under the federal National School Lunch
17 Act and the federal Child Nutrition Act of 1966, 42 U.S.C.
18 § 1751-1785, but that is less than one hundred fifty percent
19 of such income eligibility requirement, seventy-five percent
20 of the state foundation aid per pupil received by the pupil’s
21 school district of residence in the same school year.

22 (c) For pupils from a household with an income that is
23 equal to or greater than one hundred fifty percent of the
24 income eligibility requirement for free and reduced price meals
25 under the federal National School Lunch Act and the federal
26 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, but that
27 is less than two hundred percent of such income eligibility
28 requirement, fifty percent of the state foundation aid per
29 pupil received by the pupil’s school district of residence in
30 the same school year.

31 (d) For pupils from a household with an income that is
32 equal to or greater than two hundred percent of the income
33 eligibility requirement for free and reduced price meals under
34 the federal National School Lunch Act and the federal Child
35 Nutrition Act of 1966, 42 U.S.C. § 1751-1785, but that is less

LSB 5925YH (3) 84

-3-

md/sc

3/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 than two hundred fifty percent of such income eligibility
2 requirement, twenty-five percent of the state foundation aid
3 per pupil received by the pupil's school district of residence
4 in the same school year.

5 (2) The department of management, in consultation with the
6 department of education, shall reduce the September payment
7 to the pupil's school district of residence otherwise payable
8 pursuant to section 257.16 for the school budget year by an
9 amount equal to the education savings grant awarded to the
10 pupil for that budget year.

11 b. The department of management shall on July 1 following
12 the determination of the amount of the education savings grant
13 for each approved pupil transfer such amounts to the pupil's
14 account in the Iowa education savings grant fund established
15 under subsection 4. Such amount shall be available for
16 disbursement to the pupil's parent or guardian for the payment
17 of qualified educational expenses incurred by such persons for
18 the pupil during that school year.

19 4. An Iowa education savings grant fund is created in
20 the state treasury under the control of the department of
21 management consisting of moneys appropriated to the department
22 for the purpose of providing education savings grants under
23 this section. For the fiscal year commencing July 1, 2013, and
24 each succeeding fiscal year, there is appropriated from the
25 general fund of the state to the department of management the
26 amount necessary to pay all education savings grants approved
27 for that fiscal year. The director of the department of
28 management has all powers necessary to carry out and effectuate
29 the purposes, objectives, and provisions of this section
30 pertaining to the fund, including the power to do all of the
31 following:

32 a. Make and enter into contracts necessary for the
33 administration of the fund.

34 b. Procure insurance against any loss in connection with the
35 assets of the fund.

LSB 5925YH (3) 84
md/sc

-4-

4/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 *c.* Make disbursements from a pupil's account within the
2 fund to the pupil's parents or guardians for the payment of
3 qualified educational expenses.
4 *d.* Make transfers to pupils' Iowa education savings plan
5 trust accounts established under chapter 12D.
6 *e.* Adopt rules pursuant to chapter 17A for the
7 administration of the fund and accounts within the fund.
8 5. *a.* For each pupil approved for an education savings
9 grant, the department shall establish an account for that pupil
10 in the education savings grant fund. The amount of the pupil's
11 education savings grant determined under subsection 3 shall be
12 deposited into the pupil's account on July 1 and such amount
13 shall be immediately available for disbursement to parents and
14 guardians upon filing and approval of claims from the pupil's
15 account for qualified education expenses incurred by the parent
16 or guardian for the pupil during that fiscal year.
17 *b.* A parent or guardian of a pupil may on forms prescribed
18 by the department of management submit claims for disbursements
19 of moneys within the account. The department may by rule
20 designate the appropriate supporting documentation necessary
21 for the disbursement of moneys in an account including but not
22 limited to invoices of amounts due and receipts of amounts paid
23 for qualified education expenses.
24 *c.* The department of management shall upon conclusion of
25 the fiscal year and disbursement of all claims submitted by
26 a parent or guardian before conclusion of the fiscal year
27 transfer any remaining amounts in the pupil's account within
28 the education savings grant fund to the pupil's Iowa education
29 savings plan trust account pursuant to chapter 12D.
30 6. For purposes of this section, "*qualified educational*
31 *expense*" includes tuition and fees at an accredited nonpublic
32 school, textbooks, payment to a licensed or accredited tutor,
33 curriculum materials, tuition or fees for nonpublic online
34 education programs, education materials and services for pupils
35 with disabilities, standardized test fees, and other expenses

LSB 5925YH (3) 84
md/sc

-5-

5/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 incurred by the parent or guardian that are directly related to
2 the education of the pupil at an accredited nonpublic school or
3 directly related to providing competent private instruction for
4 the pupil under chapter 299A.

5 7. A person who makes a false claim for the purpose of
6 obtaining an education savings grant provided for in this
7 section or who knowingly receives the grant without being
8 legally entitled to it is guilty of a fraudulent practice. The
9 false claim for an education savings grant shall be disallowed
10 and if amounts from the grant have been disbursed from the
11 applicable account in the education savings grant fund or
12 transferred to an Iowa education savings plan trust account
13 under chapter 12D, the department of management shall initiate
14 legal proceedings to recover such amounts.

15 Sec. 5. APPLICABILITY. This Act applies to school budget
16 years and fiscal years beginning on or after July 1, 2013.

17 EXPLANATION

18 This bill provides education savings grants for certain
19 pupils attending an accredited nonpublic school or receiving
20 competent private instruction and establishes an education
21 savings grant fund.

22 Under the bill, pupils eligible to enroll in grades
23 kindergarten through 12 and attending an accredited nonpublic
24 school or receiving competent private instruction under Code
25 chapter 299A are eligible to receive an education savings
26 grant for school years beginning on or after July 1, 2013. By
27 January 31 preceding the school year for which the education
28 savings grant is requested, the parent or guardian of the pupil
29 requesting to receive an education savings grant must submit an
30 application to the department of education indicating that the
31 parent or guardian intends to enroll the pupil in an accredited
32 nonpublic school or provide competent private instruction for
33 the pupil. As part of the application, the parent or guardian
34 must also certify that an account for the pupil has been
35 established in the Iowa education savings plan trust pursuant

LSB 5925YH (3) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 to Code chapter 12D (college savings Iowa 529 plan).
2 The bill requires that by March 1 preceding the school
3 year for which the education savings grant is requested,
4 the department of education must notify the department of
5 management of the number of pupils in each school district
6 designated for the following school year to receive an
7 education savings grant and the amount of the education savings
8 grant for each pupil. Education savings grants may only be
9 approved for one school year and applications must be submitted
10 for education savings grants in subsequent school years.
11 The amount of each education savings grant is determined
12 based on the pupil's household income. For pupils that
13 meet the income eligibility requirement for free and reduced
14 price meals, the grant is equal to 100 percent of the state
15 foundation aid per pupil received by the pupil's school
16 district of residence in the same school year. For household
17 incomes greater than the income eligibility requirement for
18 free and reduced price meals but less than 150 percent of
19 such income eligibility requirement, the grant is equal to 75
20 percent of the state foundation aid per pupil received by the
21 pupil's school district of residence in the same school year.
22 For household incomes equal to or greater than 150 percent of
23 the income eligibility requirement for free and reduced price
24 meals, but less than 200 percent of such income eligibility
25 requirement, the grant is equal to 50 percent of the state
26 foundation aid per pupil received by the pupil's school
27 district of residence in the same school year. For household
28 incomes equal to or greater than 200 percent of the income
29 eligibility requirement for free and reduced price meals, but
30 less than 250 percent of such income eligibility requirement,
31 the grant is equal to 25 percent of the state foundation aid
32 per pupil received by the pupil's school district of residence
33 in the same school year.
34 The bill creates an Iowa education savings grant fund in
35 the state treasury under the control of the department of

LSB 5925YH (3) 84
md/sc

-7-

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 management consisting of moneys appropriated to the department
2 for the purpose of providing education savings grants. For
3 the fiscal year commencing July 1, 2013, and each succeeding
4 fiscal year, there is appropriated from the general fund of
5 the state to the department of management the amount necessary
6 to pay all education savings grants approved for that fiscal
7 year. For each pupil approved for an education savings grant,
8 the department of management must establish an account for that
9 pupil in the educational savings grant fund. The amount of the
10 pupil's education savings grant is deposited into the pupil's
11 account on July 1 and such amount is available for disbursement
12 to parents and guardians upon filing and approval of claims
13 from the pupil's account for qualified education expenses, as
14 defined in the bill, incurred by the parent or guardian for the
15 pupil during that fiscal year.

16 The bill requires the department of management to, upon
17 conclusion of the fiscal year and disbursement of all claims
18 submitted by a parent or guardian before conclusion of the
19 fiscal year, transfer any remaining amounts in the pupil's
20 account to the pupil's Iowa education savings plan trust
21 account. However, such contributions to a pupil's Iowa
22 education savings plan trust account are not considered
23 contributions that may be deducted for Iowa income tax purposes
24 under Code section 12D.3.

25 The bill provides that a person who makes a false claim for
26 the purpose of obtaining an education savings grant or who
27 knowingly receives the grant without being legally entitled
28 to it is guilty of a fraudulent practice and is subject to a
29 criminal penalty. The bill allows the department of management
30 to initiate legal proceedings to recover grants improperly
31 awarded under the bill.

32 Pupils receiving an education savings grant under the bill
33 are counted in the actual enrollment for the pupil's school
34 district of residence, however, the amount of the grant for
35 each such student is subtracted from the amount of state aid



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2324

1 otherwise paid to the school district for that budget year.
2 The bill applies to school budget years and fiscal years
3 beginning on or after July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

House File 2325 - Introduced

HOUSE FILE 2325
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to child placement by requiring the
2 consideration of the stability of the home in a
3 determination concerning the removal of the child.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5933YH (5) 84
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2325

1 Section 1. Section 232.95, subsection 2, paragraph a,
2 subparagraph (1), Code 2011, is amended to read as follows:
3 (1) If removal is ordered, the court must, in addition,
4 make a determination that continuation of the child in the
5 child's home would be contrary to the welfare of the child, and
6 that reasonable efforts, as defined in section 232.102, have
7 been made to prevent or eliminate the need for removal of the
8 child from the child's home. In determining the welfare of
9 the child, the court shall first consider the stability of the
10 child's home.

11 Sec. 2. Section 232.96, subsection 10, paragraph a, Code
12 2011, is amended to read as follows:
13 a. A determination that continuation of the child in the
14 child's home would be contrary to the welfare of the child, and
15 that reasonable efforts, as defined in section 232.102, have
16 been made to prevent or eliminate the need for removal of the
17 child from the child's home. In determining the welfare of
18 the child, the court shall first consider the stability of the
19 child's home. The court's determination regarding continuation
20 of the child in the child's home, and regarding reasonable
21 efforts, including those made to prevent removal and those
22 made to finalize any permanency plan in effect, as well as any
23 determination by the court that reasonable efforts are not
24 required, must be made on a case-by-case basis. The grounds
25 for each determination must be explicitly documented and stated
26 in the court order. However, preserving the safety of the
27 child is the paramount consideration. If imminent danger to
28 the child's life or health exists at the time of the court's
29 consideration, the determinations otherwise required under
30 this paragraph shall not be a prerequisite for an order for
31 temporary removal of the child.

32 Sec. 3. Section 232.102, subsection 5, paragraph b, Code
33 2011, is amended to read as follows:

34 b. In order to transfer custody of the child under
35 this subsection, the court must make a determination that

LSB 5933YH (5) 84
ad/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 17, 2012

H.F. 2325

1 continuation of the child in the child's home would be contrary
2 to the welfare of the child, and shall identify the reasonable
3 efforts that have been made. In determining the welfare of
4 the child, the court shall first consider the stability of the
5 child's home. The court's determination regarding continuation
6 of the child in the child's home, and regarding reasonable
7 efforts, including those made to prevent removal and those
8 made to finalize any permanency plan in effect, as well as any
9 determination by the court that reasonable efforts are not
10 required, must be made on a case-by-case basis. The grounds
11 for each determination must be explicitly documented and stated
12 in the court order. However, preserving the safety of the
13 child is the paramount consideration. If imminent danger to
14 the child's life or health exists at the time of the court's
15 consideration, the determinations otherwise required under this
16 paragraph shall not be a prerequisite for an order for removal
17 of the child. If the court transfers custody of the child,
18 unless the court waives the requirement for making reasonable
19 efforts or otherwise makes a determination that reasonable
20 efforts are not required, reasonable efforts shall be made to
21 make it possible for the child to safely return to the family's
22 home.

23

EXPLANATION

24 This bill requires the court to first consider the stability
25 of the home when considering placement of the child in child
26 in need of assistance proceedings. The bill requires the
27 court to first consider the stability of the home when making a
28 determination about whether the continuation of the child in
29 the child's home would be contrary to the welfare of the child
30 during a temporary removal proceeding, during an adjudicatory
31 proceeding when the court enters an order adjudicating the
32 child to be a child in need of assistance and the court is
33 considering authorizing a temporary removal of the child
34 from the child's home, and when the court is considering
35 transferring legal custody of the child.

LSB 5933YH (5) 84

-2-

ad/nh

2/2